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Saheli

NEWSLETTER

September-December 2002

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....see preview of Saheli Calendar 2003

13541 RAPES

13036 ABDUCTIONS

5792 DOWRY MURDERS

12898 SEXUAL HARASSMENT CASES

27963 MOLESTIONS

4 WIDOW IMMOLATIONS

40618 CASES OF DOMESTIC VIOLENCE

....and these are just the number of reported cases in 2001

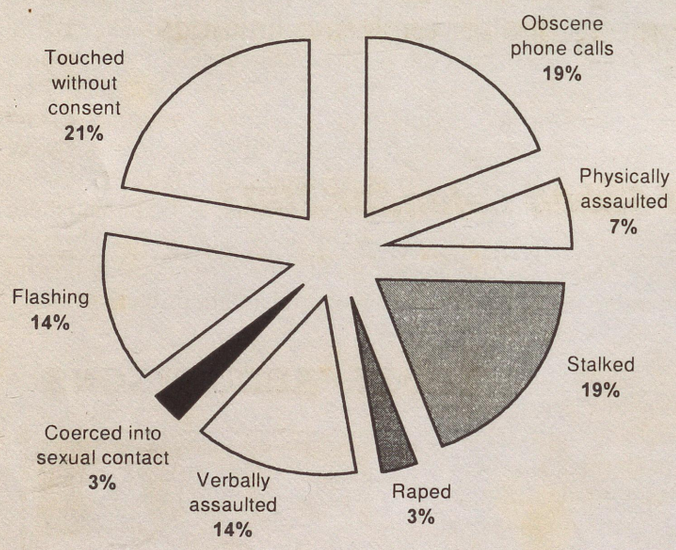
writings on the wall

SAFE IN THE CITY?

the figures do the talking

Earlier this year, we had conducted a survey on sexual assault during a series of self defence workshops organised with women studying and working in Delhi and Lucknow.

Appallingly enough, all women interviewed had experienced sexual assault in some form or the other!



>> % figures are rounded off
>> No. of respondents: 153
>> Most women were within the age group of 15-30

Some significant findings of our survey:

- "Nervous...scared...disturbed...dejected ...fearful...angry...disgusted...humiliated" were some of the expressions women used to describe how they felt.
- While friends, acquaintances and relatives figured high on the list of aggressors, most women said that the aggressor was a stranger.
- Thrice as many women said that the attack occurred during morning and afternoon, contrary to the popular notion that such acts happen only after dark.
- Twice as many women reported the presence of a bystander whose reaction predictably enough was to ignore what was happening. In some cases women said that the bystander joined the attacker.
- Most attacks occurred in public spaces like roads, public transport etc.
- Many women also reported being attacked at home.
- Almost five times as many women described the attacker as being smart or well dressed, thereby debunking the notion that "well-off" or educated people don't harass women.

SOMETHING TO THINK ABOUT

⇒ A shocking 95 out of 100 women said they would not inform the police about the incident. Just goes to show the lack of confidence in the police force and in the judicial system.

⇒ Lack of trust, fear of further complications, negative publicity were some of the reasons that women cited for not reporting the crime to the police.

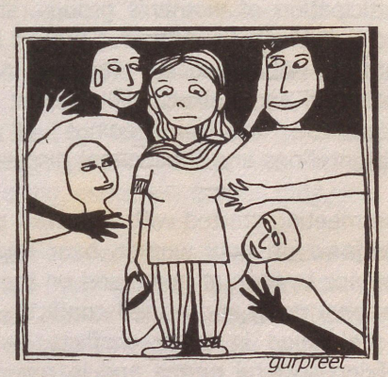


CAMPAIGN FOR A SAFE UNIVERSITY

The gang rape of a student of Delhi University in July this year sent shock waves through the campus and highlighted the high prevalence of violence faced by women students. A campaign for violence against women emerged, and a broad forum, Coalition for Safe University (CSU) was formed, comprising the Forum Against Sexual Harassment, Progressive Students Union, Democratic Students Union, All India Students Association, Saheli and Stree Adhikar Sangathan. For the first time, Women's Development Centres (WDCs) of K.M. College, Satyawati College (E) and Miranda House also joined the campaign, which has been highlighting issues raised by FASH and other students groups over the last several years.

Delhi University has had a long history of protests against sexism and violence against women: the issue of 'chick charts', Holi hooliganism, harassment in the garb of ragging and sexual harassment of research scholars by professors. Yet, the protests have tended to be confined to particular cases and have failed to develop into a sustained campaign. While this year's campaign also emerged from a specific case, it tried to widen its scope. In addition to demanding punishment for the perpetrators, the demands included the implementation of a Policy against Sexual Harassment, restriction of public traffic inside the campus, adequate lighting on campus roads and faculties, and more women's hostels. The CSU submitted memoranda to the Vice-Chancellor, Dean of Colleges, Proctor and Deputy Proctor and also approached the Municipal Corporation and police officials for interventions at various levels. To draw attention to the dismal situation of street lighting on the campus which houses about fifteen graduate and post graduate hostels and families of academic and administrative staff, members of the Coalition noted down specific areas where no streetlights were functional. Another problem highlighted was that large numbers of women from outside the city who come to study in Delhi University have to live in private hostels due to the absence of adequate hostel facilities. These students are extremely vulnerable and have nowhere to complain about harassment.

While the Proctor's office did convene a few meetings with the WDC co-ordinators, members of the Coalition, University and police officials, and barricades to slow down the traffic outside the Women's hostels on Chhatra Marg were provided, sustained mechanisms to ensure safety for women in Delhi University still remain wanting. After pressure by the Coalition, an Interim Apex Committee was set up in September 2002. Yet, no meeting of the Apex Committee has taken place till date. The Committees in the colleges and departments have been constituted in an ad hoc manner, most of them having no presence of a women's group. A delegation of CSU met the VC Prof Deepak Nayyar on 29th November and submitted a memorandum reiterating the demands of adequate lighting and more women's hostels, and requested a time-frame within which the Policy would be adopted. Disappointingly, the VC did not give any assurances about considering even a single demand.



But it is clear that the adoption of the Policy and creation of complaints mechanisms by themselves will not be sufficient to deal with the problem. It is crucial to reach out to people and stress that it is vital to break the silence, recognise the problem and extend help to the affected women. A neighbourhood campaign was started in the areas around the University and plays on the theme of sexual harassment were performed, leaflets distributed and discussions held, with the central message that it is the responsibility of every resident to ensure that violence against women would not be tolerated in their locality.

The experience of the coalition has been a mix of some positive and many negative experiences. The response of the city administration and the University administration has shown that despite repeated incidences of sexual harassment and rape of women on the campus and in the city in general, women's safety remains a low priority issue. While many women students joined the Coalition and took on leadership of the different activities, we hope that in the future more students will join the coalition, especially from colleges spread across the city so that issues of safety of women in non-north campus colleges can also be addressed.

IMPACT OF THE GUJARAT GENOCIDE ON WOMEN : CHALLENGES AND STRATEGIES

report of a meeting

On 10th August 2002, Saheli organised a meeting to take forward the shared concerns of several groups around the country about issues related to women in the genocide in Gujarat: from the sexual violence experienced to issues of relief and rehabilitation. We also felt the need to examine the role of Hindu women, dalits and adivasis in the pogrom in Gujarat in the context of right-wing politics that threatens to divide various oppressed groups and dissipate struggles over real survival issues. The attempt to address these painful and complex questions, and find ways to put our energies, experiences and strengths together to face the challenges thrown up by this grim scenario was particularly meaningful for Saheli, since on 9th August, we completed 21 years of resistance as part of the autonomous women's movement. The shared need for this meeting was apparent in the fact that it drew a substantial participation of women's groups, students, teachers and individuals from various groups in Delhi, Mumbai, Baroda, Ahmedabad, Jaipur, Ajmer, Jabalpur, Allahabad and Kolkata. This report is an attempt to summarise the proceedings of the day, the presentations and subsequent discussions.

The meeting started with a **Saheli presentation by Ranjana** on how women bear the brunt of sexual violence by men at home and on the streets, to police stations, riots, and armed conflicts. Women continue to be raped in caste conflicts, as punishment for defying societal norms and in revenge when two or more conflicting groups want to attack the "honour" of the other. Sexual violence has also been used as a weapon of the state for the suppression of movements, and widow immolation or 'Sati' derives its sanction from the community and tradition. Equally problematic is the silence and sanction of the rape of dalit women by upper caste men and feudal powers and of peasant women by zamindars. And we are too familiar of rape being publicly used as punishment by the Panchayats in Haryana and U.P. Despite the pervasiveness of sexual violence, these crimes continue to remain unrecognised, with even the legal and criminal system being highly inadequate and gender biased in dealing with them.

War-time rapes and sexual violence have occurred in almost every war in history. We see the violence, death and destruction caused by wars as an extension of the violence we confront daily within the family, in the community and by the state. The partition of India and Pakistan witnessed a communal holocaust as never before. It left a million dead and several million destitute. Besides being dislocated, lakhs of women suffered communal violence, death, maiming, and sexual abuse. From genocide to war, ethnic conflicts, communal strife to anti-state movements the experience of women is uncannily similar. They face violence and humiliation as survivors of the event and then as objects of shame outcast from their own homes and communities. This stems from the patriarchal notion of a woman's body symbolising the territory or property of the "other". The failure of men to protect the homeland or community is seen as an assault on the notion of masculinity. In such situations, women have suffered immense violence across the globe - Burundi, Bangladesh, Afghanistan, Sri Lanka, Korea, former Yugoslavia, Guatemala, Sierra Leone, Congo and Rwanda. Various forms of violence against women, especially rape, are a reality in all situations of internal repression. Examples abound in Kashmir, the north-east and other regions like Uttarakhand where agitating women faced the brunt of police oppression.

Government statistics on rape are shocking. According to the Ministry of Statistics and Programme Implementation, there were 13,000 cases of rape reported in 2001, and on an average, the conviction rate barely manages to touch 4 percent. Our struggle for just punishment and improvement of the existing rape law procedures continues to be an uphill task.

Independent India has seen many faces of communal tension in various parts of the country over the past five decades. Muslims, as the largest minority have consistently faced the brunt of the Hindu majority. In 1984, we witnessed the massacre of over 4,000 Sikhs in Delhi. In 1992-1993, we saw all kinds of violence against the Muslims from Bhopal to Mumbai to Surat. The coming into power of the NDA has seen an unprecedented increase in intolerance against minorities and marginalised sections in the society. Tribal communities in parts of Orissa and Madhya Pradesh have been attacked, raped and killed, and churches and Christian schools have been ransacked,

desecrated and bombed, and Christian women, including nuns, raped.

This ideology found a more horrific manifestation during the genocide in Gujarat. Far from condemning the violence, the state government in fact, actively supported it and in many ways, women's bodies became the leitmotif for the violence in Gujarat. Hundreds of women were raped and subjected to ghastly forms of sexual violence. Women's bodies have borne the violent expression of patriotism – the arena for Hindutva forces to play out their love for the motherland, where Muslims represent the detested other to be humiliated, killed and eliminated. The systematic stirring up of hatred against Muslims and the generation of fear of the virility of Muslim men has been well documented and analysed.



aditto

Equally systematic has been the destruction of evidence of the widespread sexual violence. The negation of its occurrence through false FIRs, and the trivialisation of the crimes by ministers like George Fernandes who claimed that rape is universally prevalent. What we are facing is the conjunction of patriarchal assertion of power, an ideology of hatred, and majoritarianism along with community sanction of violence against women. There is state power manifested with Narendra Modi in Gujarat and the BJP-led government at the Centre heralding the violence as natural. This has resulted in the worst ever form of use and legitimisation of sexual violence.

This was followed by ***a joint presentation by Trupti (Sahiyar, PUCL-Shanti Abhiyan) and Jahanara (PUCL-Shanti Abhiyan).*** Recounting the events in and around Baroda following the Godhra incident, they spoke of the systematic and selective attacks by the VHP-RSS-Bajrang Dal combine on all classes of the Muslim community. They described the attacks by the Hindu mobs, vicious communal insults and taunting, sexual violence on women and children, vandalisation of property, and police complicity in the genocide.

Trupti and Jahanara also illustrated numerous cases of police atrocities during combing and search operations and the filing of false FIRs, which have resulted in the Muslim community being almost as terrorised by the police as they are by the VHP-RSS-Bajrang Dal combine. In terms of the current situation, they voiced their concern over the continued hate propaganda and economic boycott of the Muslim community, the lack of safety particularly for women, the tensions of people trying to 'return' to their homes/land, and emerging trend of suicides among survivor-families. At the same time, they said that the violence in Gujarat has made women of all communities insecure, with Hindu women suspicious of 'the other' and fearsome of 'retaliation'. They also spoke of the difficulties they are having in raising issues related to communalisation and the violence in Gujarat.

Mamta of Olakh, Baroda added that insecurity and fear is still rampant. With no place to stay and the economic boycott, there is large-scale migration. Even within the community, a greater price is being paid by women. Domestic violence is increasing. Girls are being married off early for families to be rid of the 'burden'. Dowry demands are on the increase. There is also a huge impact on children's education. Children are being sent to Muslim schools 20km away rather than the village school nearby. And the drop-out rates are increasing, especially among girls.

Speaking about Ahmedabad, the site of the most widespread violence during the Gujarat carnage, ***Bina Srinivasan, Aman Samudaya, Citizen's Initiative***, **Ahmedabad** described how while at the peak of the violence almost 1.5 lakh survivors were living in about 100 camps, today government pressure has forced most of the camps to close down, compelling people to leave the safety of the camps. But still about 24,000 people are still in the camps because they have no place left to go. In the context of women, she pointed out that the polarisation has occurred on sexual lines and the question of silence is also linked with this. Chief Minister Modi has very cleverly presented it as a question of 'Gujarati Dignity'. Regarding participation of women in violence, she said that the propaganda has motivated them to do it for safeguarding their religion. Ahmedabad has a large working class [Dalits and OBCs] which was mobilised in the first 72 hours.

About the role of the State, she cited the example of the Women's Cell, which gave a statement to the

effect that as it had not received any complaints on sexual assault it means that no such incidents took place. She expressed the fear that the State could use such statements in their favour. She said that more extensive documentation on sexual violence is extremely important, in rural areas of Gujarat as well. On the one hand trauma counselling is being carried out yet on the other hand they say that nothing has happened and that everything is normal. In fact, the right wing forces and the government are using the example of some marriages taking place in the camps to reinforce the notion that Muslims are "sexually aggressive". She said that desertion by husbands, and suspicion from families is on the rise, resulting in further misery for Muslim women.

The way so many sections of the society have been brutally involved raises the biggest question as to how it could happen and why it is happening. And how do we deal with this? All this needs a serious discussion. She also spoke about the prospect of elections looming large over Gujarat, and the urgency with which we need to prepare ourselves to raise issues of public concern and accountability and to challenge the ideology of the right-wing combine.

Veena of Majlis, Mumbai, discussing the scope of legal intervention, said that Majlis' intervention in Gujarat focused on sexual violence. She spoke of how they explored the option of filing a PIL on the issue and recorded about 100 statements of women who suffered sexual violence both by the so-called 'mobs' and the police. Besides all the known patterns of sexual violence on women by the mobs, she spoke of the widespread police atrocities on women - beating on their breasts, thighs, pelvic region, etc. Often they would enter homes when the men had fled due to fear and threaten the women that 'we will do what happened in Naroda Patiya', and tell the families to send their daughters into prostitution, or get out of the country.

As lawyers they tried to record witnesses in relief camps, but not many people were willing to speak. They tried to follow up cases cited in several reports but found that more than half of the survivors were not willing to talk anymore - they were either tired of speaking or wished to retract their earlier statements. It was clear that many of them were also scared of further police atrocities and asked "will you protect us if we file complaints?" Veena also spoke of how the 'social shame' associated with sexual violence seemed to have sparked off an unsaid contract among the survivors in the camps, that "we will not speak about your family, you do not speak about ours". Consequently, from 100 recorded statements they came down to 20 statements which they submitted to the Women's Cell. Yet today there isn't even one single case that they can take to court.

In such a depressing scenario, it was clear that the victims would not be able to stand up against the system or even the KG Shah Commission set up by the government of Gujarat, more so because the procedure is intimidating and confrontational, and conducted in the presence of a battery of lawyers of the VHP, BJP and Bajrang Dal. Therefore, a 'Perspective Affidavit' has been filed articulating a feminist perspective on why women are not able to speak anymore about the sexual violence inflicted on them, and why the nature of the crimes precludes the availability of evidence in the traditional sense.

Veena spoke of how there is an urgent need to redefine the law on sexual assault, to widen it, especially in such situations where the evidence has been so systematically erased. Simultaneously, she said that Sheba George of Sahwaru, Ahmedabad has filed an affidavit on police atrocities. In conclusion, she pointed that the community itself has done a lot of work. Certain individual cases have been filed and pursued. "We are right now legally paralysed, but at least we have put together some level of information that would otherwise be erased, and might be useful someday in the future."

We went on to look at other aspects of the 'legal challenges and strategies' with the presentation of ***Indira Jaisingh from Lawyers' Collective***. She started by talking of how the women's movement has until now mainly addressed the issue of rape as individual violence. "But what happened in Gujarat is not rape... we need to understand it differently" she said. She spoke of how rape under the Indian Penal Code is outdated and has no remedies for such sexual violence as occurred in Gujarat. According to the IPC, the understanding of rape is that the victim should be alive and able to recognise the rapist. As we all know that is not the case in Gujarat. In most cases of rape, the victims have been killed, burnt or mutilated and all the evidence destroyed. It is clear we will have to think beyond the ambit of IPC. Hence, Indira spoke of how at Lawyer's Collective they decided not to take up individual cases or file PIL. Besides the question of whether NGOs can provide protection to survivors, they believe that PIL has no impact anymore, and the judge has a lot of discretion in his/her hands. While this could have been tried, she said that in the Gujarat situation the stakes are too high, and therefore it is most unwise to 'experiment'. Instead Lawyer's Collective decided to

send teams to Ahmedabad to look into the patterns of violence, and then focus on sexual violence.

She recounted the debate on the credibility of KG Shah during the setting up of the KG Shah Commission, and the subsequent debate on the inclusion of Nanavati into the Commission. She also spoke of how there is a concern that since both members hold equal powers, it is unclear what will happen if there is a disagreement between them. Despite the knowledge that Nanavati was also communal, they decided to participate in the KG Shah Commission. In terms of strategy, they decided to prove before the Commission that the popular perception of the Godhra massacre is not consistent with the facts. They felt an urgent need to break the link between Godhra and Post-Godhra events and there is a lot of evidence to do that.

Then Indira spoke of international developments in the recent past. Of how rape is no longer considered sexual violence only but also accepted as a crime against humanity as per international human rights laws. She then illustrated the case of the tribunal on war crimes in Rwanda, where rapists have been considered as having indulged in acts of genocide. Genocide has to do with intent-to prevent women from procreating, to wipe out a community. International Criminal Court Statute says that rape and other forms of sexual violence constitute not just sexual assault but also it is cruel, inhuman, torture and genocide.

While the women's movement has been trying to visibilise the issue of sexual violence in Gujarat, we need to figure out how to use the international laws and conventions. The concept of fair trial also has to be strengthened and the procedures redefined. We need to pressurise the government to sign the Convention on Torture and the International Criminal Court Statute. The Lawyers' Collective has been trying to work on a strategy, but there are constraints due to the complexities of the situation.

Carrying forward the *subject of* ***international tribunals, Seema Kazi*** (independent researcher associated with Women in Black & Women Living Under Islamic law) spoke of the parallels between the Bosnian experience and Gujarat, where so much evidence of co-existence has been destroyed. She spoke of how rape as a war crime has become politicised. In the Gujarat context, Seema said we need to be alert to how the genocide and carnage are being pushed under the carpet. After all, the same Justice Verma who has submitted such a powerful report to the government on the Gujarat genocide, spoke up in defense of the government by asking the (then) UN High Commissioner on Human Rights Mary Robinson not to intervene in an issue like Gujarat.

At the same time, she said she draws hope from the fact that women have organised themselves internationally to confront such problems. Women have been able to bring the issues into the public arena but there are more challenges. Most often, women have not been able to move beyond bringing out investigative reports. As for getting justice, in accordance with either national or international laws, it is still very difficult. Even though Women in Black have been very active in Bosnia, and gained international recognition, their work is often trivialised and not accorded enough seriousness. Seema also spoke of the Comfort Women, victims of sexual crimes by the Japanese state who have finally, fifty years later, been able to force the Japanese government to recognise the violence meted out to them through trials in Japan, Korea, Netherlands, Philippines and Malaysia. The government acknowledged its role in these war crimes and has given compensation. This is one of the few instances when there has been some 'success' in bringing crimes against women into the public arena. Yet, much remains to be done.

The afternoon session started with ***another Saheli presentation by Sadhna*** on the challenges that confront the women's movement in the face of rising right wing fundamentalism. Taking on from the discussion of the morning session, Sadhna raised the issue that in the present circumstances it has become difficult to raise issues of plurality and secularism. Just like the way the caste identities cannot be changed we have started feeling that we are born into a religion and that is our major identity, despite the fact that India was declared a secular country.



malika

The women's movement started with a monolithic concept of sisterhood and when Saheli started in 1980, our initial years of work on communalism and UCC were also based on the understanding that patriarchy in all communities works in conjunction with religious and conservative forces to oppress women. Hence we emphasised the need to oppose them both at the social and legal levels. But the Shah Bano case was the first major challenge to these notions. While it was a major rallying point for women groups all over India, on the issue of women's rights as determined by religious personal laws, it also brought out other dimensions of the controversy which have had long term repercussions. Religious and political forces raised the issue of religious identity to the detriment of the rights of women in marriage and family. To lend legitimacy to the argument, the Constitutional right to religious freedom was used to prevent any change in personal laws with a view to reform them. What this meant was that the whole argument pushed the issue right back into the private domain - reversing feminist efforts to make the personal, political.

Such use of the minority-majority argument by religious forces and the eventual appropriation by the BJP of the demand for a Uniform Civil Code exerted pressures on the movement that resulted in a retraction from its earlier unequivocal demand for a common code. Three major positions emerged:

[a] that we need an Egalitarian Civil Code (the vocabulary of a Uniform Civil Code was dropped as it emphasised uniformity rather than the notion of equal rights for women)

[b] that we need to strategically struggle for reform from within the community

[c] that there should be an optional code women can choose as an alternative. The late 1980's were years of heightened debate on all these positions.

At Saheli we felt a need to go beyond the minority/majority debate and assert women's rights. In fact in one of our newsletters of that period we had expressed our anxiety that if religious or community identity is to be expressed by denying rights to women, then it might so happen that the Rajput community may revive Sati in the name of religious/community identity. And it was not long before Roop Kanwar was made to immolate herself on her husband's funeral pyre. It was becoming clear that unless we challenged the relationship between patriarchy, religion and its impact on women's position in family, our strength to fight for women's rights in the family would be undermined.

On the other hand, the women's movement was also becoming a strong anti-communal force with the understanding that communal situations tend to increase the control of community over women, which is clearly patriarchal control. At the level of ideological debates and direct action, an intense struggle went on and newer strategies were continuously evolved. But in all this understanding and analysis, we primarily viewed women as 'victims'.

All this did not help in containing the rise of right wing forces in the country. The demolition of Babri Masjid in 1992 forced us to take a stand not only against communalism but specifically against rising Hindu fundamentalism. Of major concern to us was the active participation of women in the anti-Muslim propaganda in their capacity as members of the Sangh Parivar who were now also being 'organised' and given systematic training in ideology and physical militancy. We suddenly had to face the fact that women, who we had all along viewed as only victims of communalism could also be participants.

Among secular forces, this phenomenon has generally been understood as just a creation of false consciousness. Can we reduce the acts of women and people involved in communal violence as mere false consciousness? Can this succeed if there is no minimum concordance between those who are mobilising and those who are being mobilised? The tremendous success of right wing forces may to a certain extent explain that there is some congruence between the two, but then it does not explain how it came about. How was such loyalty to Hindutva garnered? What is the material basis of this success? These are questions we must address if we are to confront right wing mobilisation.

In addition to such religious mobilisation for political ends, there are many worrisome indicators at the social level. There is a widespread resurgence of religious faith and rituals, that is reaffirmed by TV channels like Sanskar and Aastha and religious and mythological serials like Ramayana, Mahabharat, Ma Shakti, etc. At the same time, even serials and advertisements promote conservative family and matrimonial values that are predominantly 'upper caste, upper class Hindu'. Gone are the days when either advertisements or serials represented India as a plural society with various religious and regional communities. Now all we see are monolithic Hindu images. The social sanction to the Hindutva upsurge and violence in Gujarat is extremely worrisome. This

is clearly reflected in the echoing silence on the carnage from various sections of society, the near absence of monetary or other contributions from people for the survivors, and the dearth of volunteers for relief and rehabilitation work.

We often draw strength from the fact that the BJP has never been able to get a large margin of Hindu votes in any part of the country. Yet we are confounded by the silence of the large Hindu majority on such conjunctions of religious mobilisation and politics. How do we deal with such contradictions? We also have to face the fact that the secular movement in the country has not been very strong. The loss of militancy has been not only in the women's movement but in the left secular movement as well. Also this secular movement has more or less been irreligious. In a situation where there are such strong reaffirmations of religious faith, how do we reach out to people? Lastly, when religious fundamentalism wields power we need to see how it impinges on the lives of people at large, especially women and minorities. Public life comes in direct surveillance of those in power or those who are close to the ruling class.

This was followed by a talk on ***"Muslim Women's Identity in the Present Context" by Farida Khan***, Centre for Information and Education, Delhi University. Farida spoke about the issue of Muslim women's identity in general and shared her personal experiences. Despite having grown up in a traditional family in Kashmir, she was not very religious and had never identified herself as a 'Muslim woman', always thinking of herself instead as an Indian woman. But after the genocide in Gujarat things have suddenly changed. Now, there is a sudden realisation about how much she and women like her are surrounded by the [so-called] 'Hindu' culture. Also after the Gujarat carnage, all of a sudden she is expected to speak about 'being Muslim' and why should she do this, she rightfully questioned.

In a situation where even middle and upper class people are being evicted from rented houses in Delhi, and are now facing immense difficulties in renting a new place, she said that many Muslims are now being pushed into feeling that they need to 'stick together' within the community. And even she is now feeling the pressure.

She said that she is tired of the fact the even though Muslims have been living in this country for centuries, every time there is a communal riot or some such incident, they are expected to prove their credentials. She raised a very pertinent question as to why the onus is always on Muslims to go out and prove how 'nice' they are and tell people what Islam is all about. Muslims have been as much a part of this country for so many years now, and if the Hindus still feel the need they need to 'know' about Muslims and Islam, shouldn't they be making any effort, instead of only the Muslim community having to prove themselves time and again?

As an activist on democratic rights for many years, she aired her disillusionment with the movement and spoke of how we need to think afresh if we have to make any impact whatsoever. In fact she said that the complicity of the state in the genocide in Gujarat, raised more questions and new challenges in terms of how we are going to combat the unconditional approval that the Chief Minister of Gujarat, Narendra Modi has received from the Prime Minister and the Deputy Prime Minister, and the consequent legitimisation of the horrors that occurred over almost four months in Gujarat.

This was followed by a presentation on ***'The Rise of Religious Fundamentalism : Impact on Women' by Roop Rekha Verma of Lucknow University***. She started by breaking one of the myths spread by the right wing forces about Islam and said that their lack of knowledge was not just limited to Islam, but also extends to their ignorance of Hinduism. She said that while they call us pseudo-secularist, we should in fact be calling them pseudo-religious, pseudo-nationalists. She gave examples of the current TV serials to corroborate the point. She said that there has been a paradox in our culture. On one hand, the religion propagated by the right wing forces is devoid of spirituality and yet on the other hand they are seen as repositories of religion. And this is the paradox that is being reasserted today.

After Indian independence, there was hope of moving towards an egalitarian society. But the forces wanting to maintain the status quo worked against the achievement of that goal. This started becoming clearer at the time of adoption of the New Economic Policy [NEP] by the government. When the market forces started entering the domestic domain, the status quoist lobby while welcoming the advantages of globalisation started worrying about the openness promoted by such policies, and specifically in the context of women they thought that it could lead to the breaking of the old established structures. They could accept the breaking of some old practices but to a certain extent only. They were definitely not prepared to see the shattering of their established patriarchal structure.

These forces, thus conceded certain illusionary liberties for women, e.g. Beauty Contests, etc. This, however, has created a complex situation whereby women live in the mistaken notion of freedom whereas the real questions pertaining to women's liberation have been completely ignored.

In such circumstances, we need to analyse and understand the alliance and the internal contradictions between Hindutva and market forces. The state has changed its strategies to suit the politics of these forces and played an important role which needs to be examined. Also, there is an urgent need to understand the politics of private and public spaces... of identity politics and their divisiveness. She also drew numerous examples from mythology and religion to illustrate how images of women's strength, of 'woman as shakti' has always been counterpointed by 'woman as devi, sita, sati... wife, mother, faithful'.... Where she must step out and serve the purposes of the community, religion and patriarchal order when the need so arises and equally willingly retreat into the household when that moment has passed. And so it is that Maharani Gayatri Devi will rub shoulders with the kar sevaks as they march ahead to demolish the Babri Masjid, but at all other times she stays within the limits of propriety and tradition. Thus, Roop Rekha also challenged the romantic feminist notion of war as being 'naturally' male and women as 'naturally' peace lovers, as being overly simplistic.

Equally, she said that the Gujarat genocide was also not completely unforeseen. Its roots go back to the 1980s when perhaps we were living in a state of dream that the general public was not communal and least of all women - this despite the demolition of the Babri Masjid in 1992. But this encouraged the right wing forces to continue with their communal agenda. In the end, she said that in the game of identity politics, we need to recognize that the largest minority is probably that of secularists like us and that we are always confronted with questions like, where were you people when the Kashmiri Hindus were being killed and forced to migrate, etc? But instead of being pushed to the defensive, our question to them is we are speaking on issues we think are important, but why are you always silent?

This was followed by a presentation on ***Combating Right-Wing Mobilisation - Experiences from Rajasthan by Kavita Srivastava, PUCL.*** Addressing the question of 'what they are doing in Rajasthan against this ideology', she said there was a lot she wanted to share. She started by talking about how the history of Rajasthan was quite different, with no role in the struggle for independence, a society deeply divided by caste, etc.

She spoke of how increasing communal mobilisation has changed the state. Till 1980 there were only two or three communally sensitive areas but now the whole state is reeling under it. When the violence erupted in Gujarat following the Godhra incident, there were apprehensions that the pattern would be repeated in Rajasthan. Then on the day of the Shiladaan in Ayodhya, there was a great fear of riots and tension in Rajasthan, especially because many karsevaks were from Rajasthan as well as Gujarat and Maharashtra, as do most of the shilas and a large chunk of the money. On the occasion of Moharram, the Tazia processions were not allowed whereas the VHP continues to hold its programmes in the State. In fact, the BJP through various educational, social and cultural organisations is systematically hinduising a wide spectrum of communities, particularly backward castes and classes. It is also co-opting communities with a tradition of resistance.

She identified that the real crisis was of drought and resultant poverty, unemployment and hunger, and said that it is crucial we respond to it. In terms of strategy, Kavita spoke of how they have a broad network of women's groups, democratic rights groups and workers' groups. On the other hand, the network also includes 'liberal formations' of religious groups which are open to debate and discussion. While such a network did have its own internal contradictions, it also empowered them to keep a watch and control the activities of communal groups. She felt it is crucial that groups from all over strengthen this network by coming to Rajasthan. After all, this is the state whose former minister and now, Vice President of the country has said that 'what happened in Gujarat, will certainly be repeated in Rajasthan'.

Asha of Mahila Jan Adhikar Samiti, Ajmer shared several accounts of how violence against women is on the increase in Rajasthan. She also said that as the process of hinduisation is gaining ground in Rajasthan, it is becoming increasingly difficult to raise a voice against it. She voiced her concern over the divisions between Muslim and Hindu women which has greatly widened over time, and things have become worse over the years.



bulbul

This was followed by ***a presentation by Rajni Tilak, CADAM (Centre for Alternative Dalit Media) on the theme of "Dalit Women's Movement : Can it Pose a Challenge?"***. She started by saying that post Godhra events were a one sided war by communal forces, and what we need is a long term strategy to deal with this.

As for the question of whether the dalit women's movement can pose a challenge to communalisation, we have to understand that the dalit movement is not a monolith. So, while on one hand, you have an active resistance to upper castes and classes there are certain parts of the community which seek to be recognised as part of the mainstream Hindu society as they have suffered long because of their caste status. This is further compounded by the poverty and lack of economic opportunities available, or rather, not available to them. Not surprisingly, the BJP has had some success in mobilising dalits and tribals because that is important for them and they have started a process of Hinduisation of these communities.

As for the dalit women's movement, she highlighted that it also bore some of the contradictions of the dalit movement, and even more importantly, women within the dalit movement were yet to be accorded real positions of power. But she said she believed that dalit women can pose a challenge to increasing right wing mobilisation, but they need to prepare themselves. At the same time, other sections of society also have to get together and put up a challenge. At the end, she reasserted the need for broader and more consistent networking. She pointed out that despite the fact that we get together in moments of crises we are not able to sustain our work together, and that is our major weakness.

Uma Chakravarti, who chaired the second session of the meeting, opened the discussion by speaking of the widespread sense of insecurity among minority communities, and highlighted the role of the state in the events in Gujarat. She pointed out that ironically, the failure of government institutions and the constitutional machinery did not find mention in most of the presentations, but that we need to confront it head on, even as we seek to explore international solutions. While focussing on women's issues, we need to strengthen our linkages on issues of poverty, caste-repression, etc. Today, political repression is increasing but not as visible and obvious in its manifestation as it was during the Emergency. Hence the challenges of starting and sustaining a movement against it are that much more complex.

Issues that emerged in the discussions:

1. On combating rising communisation :

Concerns were raised about how while we all knew that saffronisation was on the increase, we failed to recognise its seriousness or foresee the impact it could have. It was said that we thought that the hinduisation had reached its peak with the demolition of the Babri Masjid, but we were proven wrong. Today, we need to explore the relationship between communalisation, politics and culture more deeply. A need was also expressed to look at all kinds of fundamentalism – Muslim, Christian and Hindu. It was pointed out that the crisis is linked to democracy's survival. We need to distinguish between spiritual aspects of religion and identity politics. To expose how these politicians are pseudo religious or nationalists. Another point of view was that the question of religion and community identity often gets blurred with issues of nationalism, even among those of us who work on such issues. We need to face up to such contradictions. Many felt that we need to see and make linkages between rising communalism and other issues of survival like food, hunger and unemployment.

2. On strategies:

Several aspects of work and strategies were discussed.

Continuing work in Gujarat : The meeting applauded individuals and groups who have relentlessly been working in Gujarat in the face of terror, harassment and the ugliness of genocide. At the same time, groups from the state reasserted the need for greater presence of activists and volunteers in many aspects of the work - from continued relief and counselling to documentation, discussions and public awareness. Some really difficult challenges were the question of addressing people, particularly women from the majority community. Of looking at the increase of violence within all kinds of homes. Of suicides by survivor families, etc. Many students were eager to know what they could do, either by going to Gujarat, or wherever they live, study, interact with people. Many of them were informed about Aman Ekta Manch and its various activities.

Outreach : A common concern was to seek new ways of reaching out to people, both within and outside Gujarat. Even those from places like Bengal who thought they were secure from such communalisation shared that after Gujarat when they took to the streets, they found that if you scratch a little and you see a Hindu fundamentalist underneath. We should network and carry out a campaign at national level. We also need to take the truth of the carnage to the

people and expose how international fundamentalists are hand in glove with the Hindu fundamentalism. We also need to question the mentality that allows culprits of such crimes to go scot-free.

Many felt that we all need to work in our own cities and localities to prevent any more Gujarats. Initiative should be taken by organisations to mobilise students and also spread awareness. Just as the Women's Development Cell, Miranda House offered to co-host the present meeting, many felt that Gujarat can be made a theme by all the WDCs of various colleges in Delhi to hold workshops, discussions, public events, etc. That may help us counter the systematic right wing campaign. We also need to find simpler ways of articulating the understanding on the issue of Women and Communalism which has come out of women's studies since 1992. Some felt that the failure to really reach out to a vast majority of women has been the major failure of women's movement. Also, given that the secular movement is largely non-religious, some felt that we need help in developing a vocabulary with which we can start a dialogue with a largely religious populace. Repeatedly the idea was mooted that those from Gujarat should reach out with their experiences to people from other parts of the country, and at the same time, groups and activists from outside should go and help groups in Gujarat hold talks and discussions. The public meeting organised in Tilonia was cited as a powerful example of such interaction.

Networks and alliances : Everyone felt the urgency to build a strong network to combat right-wing forces. There was talk about the importance of sharing information. Of linking our struggle with others who suffer in the face of rising communalisation. In terms of alliances, a need was expressed to look at how, although the women's movement has worked so much with the organised Left, they still need to be mobilised on how communalism adversely impacts women. The point also needs to be raised among mass movements. Unless we do so, women will remain divided by religion, and yet share the same oppression within family and the community.

National Conference of Women's Movements :There was widespread agreement on the suggestion that we should re-initiate the process for the National Conference, with Gujarat as the Central theme. Since everyone felt that Gujarat should be the venue of such a conference, Sahara from Baroda has agreed to call for a preparatory meeting.

Using UN mechanisms :While the limitations of approaching the UN and seeking their interventions were clear, many groups felt that given the extent to which events in Gujarat are being whitewashed, this is one more strategy to keep alive the issue, at least at the international level. Information was shared that attempts are being made try to pressurise the UN Special Rapporteur on Women to intervene, and many cases/accounts have been sent to her in the prescribed UN format.

International Initiative for Justice : Also discussed was an initiative being taken up by Forum Against Oppression of Women, Awaaz-e-Niswaan and Majlis, Mumbai to hold an international tribunal on sexual violence during the Gujarat genocide. While some people felt that such tribunals cannot get convictions, others felt it is a strategy to keep up our resistance against the right wing. After all, the right wing does not want the issue of Gujarat to be internationalised. And such a tribunal can be seen as another form of justice, a way to spread awareness and part of a strong campaign throughout the country. Yet others felt that we cannot take such tribunals lightly, we are going to have to foresee and confront the problems of retraction of statements, the pressures on women stay silent, etc. also, we cannot see this as an option to using the legal system as it exists today.

Elections : A major concern was that of the elections that will, sooner or later be held in Gujarat. There was a clear agreement that this is not the right time or circumstance for holding elections, yet that may not be in our control. For a start, groups need to send letter and petitions to the Election Commissioner pressurising him to postpone them. At the same time we need to prepare to raise a people's agenda in the election campaign. To question what kind of governance we want and not who to vote for. We have lost lot of ground and we could regain some of it through this. Along with support in terms of people, it was felt that groups in Delhi need to help evolve posters and pamphlets raising all these issues. These Gujarat elections are going to be crucial. We should use all our strength to see that fundamentalists should not come to power.

At the end of the meeting, many of us felt that we had covered much ground; but so much more needs to be done: In terms of deliberations, in terms of strategies and in terms of actions on the ground.



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DALIT WOMEN'S MOVEMENT AND RIGHT-WING MOBILISATION?

Manasa, Bangalore

[This paper, written for the meeting in Delhi on 10th August, is an attempt to share some thoughts on the question of right-wing mobilisation and the women's movement, specifically dalit women's movement, in order to connect with the broad process of seeking alternatives within the women's movement . Manasa is a Bangalore-based autonomous women's group, which has been bringing out a monthly magazine in Kannada for nearly 20 years. The group is also active in a number of struggles and campaigns- against communalism and fascism, for the rights of contract municipal cleaners in Bangalore, among others.]

The large-scale participation of women in the Gujarat carnage has left us with a feeling of horror and disbelief. The active mobilisation of dalits and adivasis in mobs that raped, looted, set afire, and brutally murdered thousands of Muslims, challenges several of our fundamental premises about the forces that can possibly resist the growth of fascism in this country. The women's movement today is at a critical historical juncture. How we read Gujarat, what lessons we learn from it, the nature of the alliances we build and the program of action we chart out hereafter will determine whether we make history as a political force that can effectively counter the growth of Hindu nationalism or consign ourselves to oblivion, disappearing from public consciousness even as women's aspirations are re-written to fit the contours of Hindutva.

It is now recognised that fascism at least in Gujarat, has arrived. Penetrating every apparatus of the state: the government, the police, the bureaucracy, the media, the medical establishment, as well as so-called civil society bodies, the religious, cultural and educational institutions, the forces of the Sangh Parivar in Gujarat have given us a partial preview of what Hindu Rashtra under the rule of the saffron flag holds in store for the country. It has rightly been asserted that the Hindutva forces have tested the waters through Gujarat and drawn up a fresh electoral game plan that has factored in the opportunism of its allies, the lack of a viable political opposition and the complete disarray of secular forces. No wonder then that the BJP Confidently announces its intention of "going it alone" in the next Lok Sabha election. A thumping majority is not needed here; even a hairline victory is enough for fascist forces to establish complete hegemony.

Across the country, women's groups have responded with a sense of immediacy and outrage to Gujarat. We have brought out reports; we have organised relief, formed peace committees, taken out protest rallies and peace vigils, petitioned human rights organisations and pleaded with the Election Commission to cancel elections in Gujarat. All this is necessary, but it is far from sufficient. *What we need at a minimum today is a comprehensive strategy, based on a fine-grained understanding of the forces we are pitted against.*

How do we understand the phenomenon that the very forces, dalits, adivasis and women, who have historically been marginalised by the ideology of Hindu nationalism, appeared in significant numbers at least in Gujarat, to be its active agents? Will it do to speak of coercion, of manipulation through the distribution of liquor packets and money, of hate propaganda alone? Does this view not deny agency and involvement to women, dalits and adivasis? Is the logical next step of such a view not to suggest the denial of voting rights because after all these groups appear to be acting not as autonomous agents but rather as puppets in the hands of the ruling classes? Most importantly, does this view not absolve secular groups of the responsibility of action? If Gujarat indicates the utter lack of secular consciousness in state and society, indicative of the processes at work in the rest of the country as well, whose responsibility is it? As women's groups committed to a process of social transformation, we need to revision and rethink both our analyses and our strategies of action.

By and large, the autonomous women's movement (AWM), although it frequently challenged the patriarchal injunctions of Manu and the Brahmanism code, left the caste question unaddressed. Citing that Mathura was an adivasi girl or Bhanwari a dalit woman, in no way addressed the role of caste in shaping our material and ideological lives as women in a caste-ridden society. While the songs of the early AWM prefigured a casteless, classless, gender-equal, non-exploitative society, *many of our campaigns and struggles were moulded in a middle class, upper caste*

perspective - campaigns for better laws, petitioning for state reforms, media-based strategies, and so on. Again, all this was necessary, but insomuch as it took place even as our engagement with women in community-based action reduced dramatically, we lost the edge of radicalism. It became easier to organise a national campaign against the rape of a sathin as a woman's issue rather than to respond with a national campaign against the everyday sexual violence experienced by dalit agricultural women. *We overlooked the need to analyse our campaigns on the issues of population control, sex-determination, media portrayal of women, violence against women, and so on, from a caste perspective.*

Caste, inasmuch as it lays down rules of endogamy and division of labour, who can marry whom and who can do what kind of work, cannot be separated from the feminist analysis in this country. Going beyond a simplistic, additive approach ("Dalit women are triply oppressed"), what is needed is a fine-grained understanding of the differential oppression through caste of all women. The same code that prescribes 'purity', thus confining upper-caste women sexually makes dalit women sexually accessible to all men in the caste hierarchy. The internal patriarchy within all communities overlaid by caste exploitation ensures that work considered most degrading will be performed by dalits among whom, women will receive less wage for the same labour.

Going beyond caste alone, there is an urgent need to understand how capitalism and the forces of globalisation with the help of the state are strengthening internal patriarchy within dalit and adivasi communities. With increasing consumerism and the rule of market economy, as bride price gets replaced by dowry, or as the pressure to bear male children increases among dalits, or as adivasi lands are usurped by global capital, women in these communities are rendered all the more vulnerable to male violence and patriarchal control. *The strengthening of patriarchy among dalits and adivasis makes it easier for Hindutva to make inroads into these communities, co-opting, containing and absorbing dissent.* To the extent that dalit women are able to question and challenge the growth of patriarchy in direct ways, to that extent will the forces of Hindutva find it difficult to impose their will on dalit and adivasi communities.

However, it would be naïve to assume that Hindutva seeks to establish its hegemony through patriarchal control alone. Through religious, cultural, educational and political means, a benign face of Hindutva is being projected and at the same time, is attracting the most marginalised into its fold. The phenomenon must however be understood in its complex regional specificity. In Gujarat for example, with its powerful and numerically strong Bania trading community and its NRI linkages, its Gandhian legacy, absence of a strong dalit movement and so on, it is not ritualistic Brahmanism that dominates religious presence. Rather religion is sometimes a show of muscle power as in the Jagannath yatra, sometimes participation in an "Everyone's invited" spectacle as in the TV serial Ramayana. *Cooption of the oppressed into such a curious amalgam is thus greatly facilitated, and so is absorption and diversion of resistance.* And so, whenever convenient, as during the anti-Mandal agitation and now in the recent carnage, upper castes have been able to divert the anger of oppressed castes towards Muslims.

Rapid modernisation, of the kind that Gujarat has pursued, *has directly looted the oppressed of their sense of identity and belonging*, displacing them from their homes and lands, driving them into slums and poor quarters in cities, into exploitative wage labour, robbing their language, their gods, and places of worship and *leaving them utterly alienated.* It is this vacuum that the forces of Hindutva seek to fill today. *To the extent that the dalits and adivasis, are able to articulate their cultural identity, and resist* modernisation and *displacement*, to that extent will the forces of Hindutva find it difficult to impose their will on dalit and adivasi communities.

This of course means that the development question has to be recast in entirely new terms. The savage violence of modernisation cannot be countered with a hazy-eyed anti-modernist standpoint that overlooks the material and cultural basis of patriarchy and caste in structuring violence into women's daily lives. How will dalit women participate in a cultural revolt against the alienating forces of modernisation and Hindutva while at the same time questioning internal patriarchy, internal caste prejudices, and anti-democratic impulses within the community? There are no easy answers. The process that Babri Masjid demolition had initiated, Gujarat has greatly consolidated today: that is, the complete ghettoisation of the Muslim community. *With the State turning against the community, Muslims have turned to each other for protection and relief. Muslim women as a matter of course are left all the more vulnerable to male violence and contempt within the community.* As a consequence, the collective bargaining power of not just Muslim women but all women, suffers. *As communities draw up their battle lines more sharply and turn inwards for survival, the danger of internal contradictions getting strengthened*

to the disadvantage of the poorest and weakest within each community is stronger than ever before.

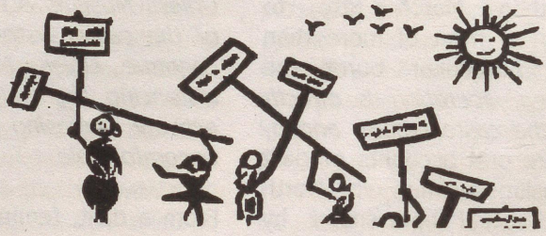
Karnataka historically has had a strong dalit movement and a legacy of caste-based reforms. The dalit literature movement has strongly challenged the caste system, and dalit women have been integral contributors to the literature right from the 12th century *vachana* movement. The Dalit Sangharsh Samiti has been a vibrant force that shook the very foundations of caste-based society, rejecting out rightly not only the caste system, but also communalism. Through songs, pamphlets, and direct association, often it has stood by the Muslim community during riots and communal situations. Further, in parts of Karnataka, as in Maharashtra, dalit women have organised against Hindutva, gender and caste oppression. It is significant that in these places, the dalit women recognise October 25th as Women's Day, rather than March 8th, to commemorate the day when in front of more than 4500 women, Babasaheb Ambedkar burnt the Manusmriti. *For dalit women, liberation is directly linked with liberation from the caste system and by extension Hindutva.* We have oral accounts of dalit women bonding with Muslim women in North Karnataka to jointly fight sexual harassment by upper-caste landlords, sometimes using chilli powder to ward off the men. Significant also are the temple entry agitations initiated by dalit women in many parts of the State. The Kumaraswamy temple entry agitation for example, tried to secure temple entry rights for not just dalit women but also upper-caste women who were historically denied these rights. *The temple entry agitations have thus been a fight against both untouchability and gender discrimination.* Dalit women in Bangalore University have opted to document dalit culture, dalit women's issues, despite great resistance from upper-caste patriarchal forces in the academy.

However, it is equally true that anti-caste movements in Karnataka as elsewhere are weaker and much more factionalised today. On the other hand, a party like the BSP, which rose to prominence on a dalit agenda, is happy to seize state power for the second time with the backing of the very forces of Manuvaad it once identified as its primary enemy. *Such political opportunism is increasing the polarisation among the dalit - bahujan forces.* Political organisation is along rigid and exclusive caste lines. This reduces the possible consolidation of dalit-bahujan-Muslim-other marginalised forces. It converts a force that could potentially spell an overwhelming defeat of the Brahmanic Hindutva forces into divided constituencies, which can easily be manipulated for electoral gains. The opportunism and ideological bankruptcy of the BSP today underscores the inherent problems of all single issue-based movements. As never before, we are confronted today with the need to base our alliances not on opportunism but on an understanding of common and interlinked oppression.

Recently, Karnataka has also seen the growth of a large number of peace initiatives following Gujarat. *A different political formation is Janamatha, an alliance mainly of dalits and Muslims, of which Manasa is also a part.* In Manasa, we see Janamatha as potentially a formidable force because both dalits and Muslims have a common hatred of dominant Brahminism, the fuelling force behind Hindutva, and therefore have common interests in overthrowing it. Both dalits and Muslims have nothing to gain from the vision of Ram Rajya, so horrifyingly prefigured in Gujarat. *However, such an alliance is far from being contradiction-free. Unless Muslims actively question the oppressiveness of the caste system, the Hinduisation of dalits will continue. Unless Muslims see dalits to be not just distancing themselves from the Sangh Parivar but actively opposing it, they will continue to feel uncomfortable.*

From a dalit, feminist, anti-capitalist perspective, we feel the need to discuss common campaigns and strategies more fully. Temple entry agitations while undeniably empowering for dalit /backward/upper caste women, and constituting no less than a slap in the face of caste Hinduism, however might run the long-term danger of Hinduising dalits i.e. drawing them into the Hindu fold, and lending them to easy manipulation for electoral gains. *In the current context of right-wing mobilisation around Hindutva, should campaigns be based on removal of untouchability or more radically, the destruction of caste?* The question of women also needs to be constantly addressed. Even after the savagery of the sexual violence on Muslim women in Gujarat became quite well known, unfortunately it was left to us in women's groups to bring the question of gender into pamphlets and discussions. *The philosophical basis of a broad alliance of not only dalits and Muslims but also all marginalised communities needs to be spelt out clearly and unambiguously. The philosophical framework must be based on a radical vision of liberation. Not the vague liberalism and anti-dalit nationalism of Gandhi but the radical vision of Phule - Ambedkar - Periyar must be the starting point.* For activists in the women's movement, the challenge is to rearticulate our agenda both in terms of understanding and action. *It is a historically significant step to address the issues raised by dalit women but we should be careful to avoid polarisation*

within the women's movement. Not just dalit activists in the women's movement, but also all activists must understand that we do not have the luxury of choice and time. *Challenging caste along with gender oppression is not merely the responsibility and vision of dalit women; it must be taken up by all who are committed to liberation in its fullest sense, and must centrally inform our analysis and programs of action.* And that is not all. Feminist activism cannot be cast in narrow and exclusive terms. *The interlinkages between caste, capitalist relations, gender and heteronormativity (the ideology that says only heterosexuality is normal) are more complex and pervasive than we have imagined.* A fundamental change in women's situation requires a fundamental change in every aspect of society. Liberation from patriarchy cannot take place in isolation anymore than liberation can from caste, class or heterosexual hegemony. The women's movement needs to regain its vibrant and radical edge, organising independently and autonomously, making itself relevant to the lives of the majority of women by directly uncovering and challenging the forces than strengthen women's oppression. Even as the dalit women's movement articulates crucial questions about the relationship between caste and gender, the challenge before all women organising collectively to change our lives, is to integrate these and related questions into a broad movement for radical social change.



वो लौट आई...
फिर उन्हीं बन्धनों में बन्धने के लिए
जिन्हें तोड़ कर चल पड़ी थी कभी।
शायद पूरी तरह मुक्त हो ही न पाई,
उस डर का निशान मिटा ही न पाई
जो आज़ादी के साथ पैदा होता है।
पुराने जंग लगे बन्धनों ने उसे वापस बुला लिया।
सड़क के दूसरी छोर जल रही
एक छोटी सी बच्ची को अनदेखा कर
वो लौट आई...



PRIVATISATION, MEDICAL ETHICS AND WOMEN'S HEALTH: EXPLORING LINKAGES

In a liberalised economy, medical research is increasingly being carried out by private institutions– NGOs, pharmaceutical companies, private colleges and independent research institutions. With the gains translating directly into huge profits, as in the case of contraceptive research, assisted reproduction, or the Human Genome Project, the need to understand the implications of such research cannot be overstated. While not arguing for increased statism and bureaucratic control, creative and effective ways of checking the 'free-for-all' are vital. As our experience with various contraceptive technologies has shown, monitoring by independent bodies is all the more crucial, because issues relating to medical ethics, accountability and monitoring the quality of the clinical research far from being academic subjects, have direct implications for women's health, safety and well-being.

Liberalisation of Health Services in Action

The Case of Depo Provera

The introduction of the injectable contraceptive Depo Provera (brand name of Depot-medroxyprogesterone acetate or DMPA) into India is representative of several aspects of the impact of privatisation on women's health. In 1994, Depo Provera was approved for private marketing in the country despite the fact that it had not gone through all the mandatory phases of clinical trial in India. At the time, a case filed by Stree Shakti Sanghatana, Saheli and other women's groups raising questions about the safety of Net En, another injectable contraceptive (similar in action to Depo Provera) was still pending in the Supreme Court. The Drugs Controller General of India (DGCI), while justifying the introduction of Depo Provera in the name of a liberalised economy, however gave marketing approval on condition that the manufacturers conduct a post marketing surveillance (PMS).

The PMS sponsored by Pharmacia-Upjohn, the manufacturers of Depo-Provera, is illustrative of the adverse impact on women's health of privately sponsored research. PMS conducted by the pharmaceutical company which directly stands to profit from the results of the research, raises serious doubts regarding "scientific objectivity" of the data collected and its analysis. A concern of most health groups that was well borne out by the nature and findings of the 'study'.

The PMS study on Depo Provera also flouts international guidelines for ethical medical research. The use of lactating women as study subjects is a violation of the Code of the Council for International Organisations of Medical Sciences (CIOMS). Further, the administration of Depo-Provera during lactation could have a serious adverse effect on the health of breast-feeding women because of the association with demineralisation of the bones.

Despite its problematic entry on the Indian scene, Depo Provera is now available in the market, easily procured over the counter. A recent study by Sama, a Delhi-based health group, revealed that Depo Provera was also being prescribed in government hospitals in Delhi. Lack of informed consent and side-effects of the drug were points repeatedly raised by the women interviewed. The study revealed that 42 out of 50 women were not given any information about the side effects, and 48 out of 52 women reported problems after using the injectable and each woman had multiple problems (Sama, 2002). With such a situation in a public hospital, the state of affairs in private establishments can be well imagined.

While the Depo saga relates to spacing methods of contraception, another well known case of private bodies carrying out research and contraceptive outreach is that of quinacrine – a permanent method of sterilisation.

The Quinacrine Story

Around 1996-97, it came to light that doctors, unregistered medical practitioners and NGOs in West Bengal, Karnataka, Uttar Pradesh, Gujarat, Delhi and Chandigarh for more than 20 years had been using quinacrine, an anti-malarial drug, to sterilise poor and illiterate slum and rural women. Quinacrine is a

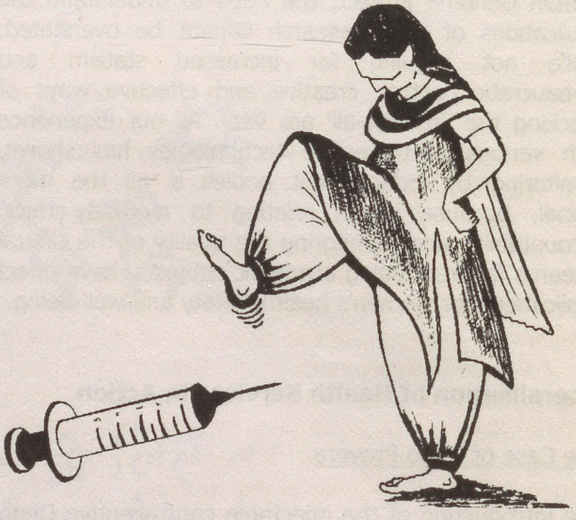
sclerosing agent, which burns the uterine tissues causing inflammation and the formation of scabs in the uterine lining. The scar tissues block the inner end of the fallopian tubes and prevent the sperm from reaching the ovum.

Quinacrine sterilisation (QS) has several short term side-effects such as are severe abdominal pain and cramps, fever, yellow pungent smelling discharge, lower back pain, nausea, headaches and itching. More disturbing are its long-term risks. Quinacrine is a known mutagen and past laboratory studies have pointed to potential risks of cancer, birth defects and toxicity in the foetus in case of accidental pregnancy or undetected pregnancy.

Developed in the early 70s by Chilean scientist Jaime Zipper, QS has been actively promoted by Dr Elton Kessel of the International Federation of Family Health (IFFH) and Dr Stephen Mumford of the Center for Research on Population and Security (CRPS), both based in the US. Elton Kessel and Mumford first collaborated on Quinacrine trials through the International Fertility Research Program (IFRP), Research Triangle Park, North Carolina, USA, an institution of which Kessel was the founder member. The IFRP has subsequently been renamed the Family Health International (FHI), which describes itself as a non-profit US based organisation dedicated to contraceptive development, family planning and reproductive health and AIDS prevention around the world. Through the FHI, Kessel and his colleagues made two attempts to get the approval of the USFDA on Quinacrine sterilisations, but failed. Kessel, Mumford and their colleagues literally traverse the globe with Quinacrine pellets in their suitcases, urging gynaecologists at meetings and conferences to try Quinacrine sterilisation. Actual figures of QS are hard to determine because the practice is unregulated and the doctors promoting the method are mainly private doctors and unregistered rural practitioners.

Following an intense campaign by women's groups in several parts of the country, the DGCI in December 1997 banned the use of quinacrine for female sterilisation. To add weight to the prohibition, the Supreme Court, on 16th March 1998, in response to a petition filed by AIDWA and faculty of the Centre for Social Medicine and Community Health, JNU, passed an order upholding the ban on QS. While the Court did uphold the ban, and directed a official gazette notification, it refused to direct the prosecution of the guilty with retrospective effect. It is only future violations which are punishable. Implementation of the ban has been left to the State Governments.

In India, despite the ban the use of QS has been reported in some pockets of West Bengal (no information on other parts of the country). The practice has only gone 'underground' and the price for QS gone up. Quinacrine pellets for QS are still being distributed among others by one of its staunchest advocates in Calcutta, Dr Biral Mullick. From his centre in Kolkata, he also mails to doctors in India QS Newsletters published in the US by the global promoters of QS. Recently, the Calcutta-based National Association for Reproductive and Child Health of India (NARCHI) petitioned the DGCI to rescind the ban. To persuade the DGCI decision, NARCHI sent with the appeal news clips of QS trials in countries like the USA, Chile and China .



Ethics of Industry-Sponsored Research

The shift from 'neutral' bodies conducting research to research by bodies that have a stake in the outcome of the research has deep implications. Post Marketing Surveillance by pharmaceutical companies in lieu of Phase IV clinical trials conducted by impartial scientific bodies is another outcome of the liberalised economy. These trends are directly related to the phenomenon of the market, where profit is the king. It must not be forgotten that India is one of the largest markets for contraceptives in the world. With almost 40 million potential users the Indian contraceptive market is larger than the entire population of Switzerland, Norway, Sweden, and Australia put together. Little wonder that multinational pharmaceutical companies have been consistently wooing this market with aggressive propaganda. Industry-sponsored research has given rise to a gamut of issues which need to be addressed on a priority basis. When "efficiency-based" standards, and supremacy of "local standards", which

are lower than international standards prevail, there is cause for serious alarm (as in HIV drug trials in Africa). Many investigators have argued for dual standards. They claim that there should be different ethical standards for developing and developed countries. There is considerable opposition to this from the scientific community as well; for example inclusion of placebo groups in testing of a variety of treatment regimens with AZT for prevention of HIV transmission to infants by women with AIDS in Africa has been challenged. The marketers of Depo Provera and the proponents of QS have also made similar arguments and argued that the actual living conditions in the country and issues like high maternal mortality should be taken into account when considering ethical guidelines, and Western standards of safety and risks should not be applied.

At the international level, moves to amend standard international ethical codes are a cause for serious concern for all those engaged in matters of medical ethics and their implications for the health of people. The pressures to modify the Helsinki Declaration in the recent past were in part an effort to make clinical research easier in developing countries. The first change sought was to permit "proxy consent" that would eliminate the need for individual informed consent by obtaining permission from a governmental or non-governmental body in a position of authority. The second change sought to stipulate that the standard of care to be provided to people enrolled in clinical trials need not be '*the best-proven care*' but rather '*best care available in the country*'.

The implications of such moves are directly seen in the watering down of the provisions for mandatory informed consent in the 'Ethical Guidelines on Biomedical Research Involving Human Subjects' released by the Indian Council of Medical Research [ICMR] or the 'ICMR Code', 2000. Following this prescription, the ICMR Code, in its section on "International Collaboration/Assistance in Bio-Medical/Health research" does not provide adequate safeguards against exploitation of research subjects from a developing country. For instance, by talking about "best possible nationally available care", the Code allows for by-passing international standards, which will work against research subjects.

Ethical Guidelines – Need for Debate

A critique of, and detailed recommendations on, the ICMR Code has been published in earlier Saheli Newsletters. The main areas of concern were: informed consent, contraceptive research, assisted reproductive technologies and post-marketing surveillance. The recent Guidelines on Assisted Reproduction set out by the ICMR are in the process of being finalised. (See Box for a critique).

Newer Developments

Some new developments have disturbing implications. Most developing countries have poor regulatory processes to conduct even Phase I and Phase II trials, hence it is cheaper and simpler for interested parties to conduct these trials in developing countries provided the data were acceptable to regulatory agencies in the US or in Europe. India is poised for a major expansion in the clinical trial business for several reasons. First, it has a well-developed infrastructure. Second, it has highly trained personnel and speciality equipment available at a fraction of what it would cost in a developed country. Third, it has a large population base so that trial subjects can be recruited readily. Finally, it has a relatively lax regulatory process and a government that has committed to implement product patents by the year 2005 under the WTO rules. All these factors make it very attractive for pharmaceutical companies and Clinical Research Organisations (CROs) to conduct trials in India.

For instance, according to *The Economist*, "India promises to become a world center for testing new medicines" (January 29, 2000). CROs which undertake clinical trials and other services for pharmaceutical companies are beginning to find a location advantage in India. Quintiles, a large CRO based in North Carolina and Covance, a CRO based in New Jersey, have started conducting clinical trials in India and are expanding their operations. Corporations like Nicholas Piramal have begun a new clinical trials business, and Max India has entered into a deal with the Harvard Medical School to conduct clinical trials in India and other underdeveloped countries. According to the same news report, a Covance vice-president (global safety and medical therapeutics) expected "tremendous" return on investing in India's infrastructure for conducting clinical trials.

It is claimed that a large part of the total expenditure of around $500 million that is required to discover and develop a drug is spent on clinical trials. Phase III trials use a number of human subjects. If clinical testing can be done faster and cheaper, the additional returns from an earlier launch may fetch "millions of dollars of extra revenue to the patent's owners". Clinical trials in India can be cheaper and faster. Moreover, India's billion potential guinea-pigs suffer not just from tropical diseases such as malaria and tuberculosis, but increasingly from ailments such as cancer, heart disease and AIDS, which trouble rich

countries. The head of Quintile's India venture, Ferzaan Engineer, says that for some diseases research in India can dramatically reduce the time for commercial launch of new therapies.

The shifting of research by for-profit organisations to the Third World must be viewed in the light of these norms – both national and international— of medical research. The ICMR Code merely skims over this issue. "Academic institutions conducting research in alliance with industries/commercial companies require a strong review to probe possible conflicts of interest between scientific responsibilities of researchers and business interests (e.g. ownership or part-ownership of a company developing a new product). While the Code leaves it to institutions to set in motion "self-regulatory processes to monitor, prevent and resolve such conflicts of interests", it does recommend that prospective participants in research "should also be informed of the sponsorship of the research, so that they can be aware of the potential for conflicts of interest and commercial aspects of the research."

But in an increasingly corporatised world, such vague guidelines on conflict of interest as stated in the ICMR Code are unlikely to reign in the unethical and irresponsible trends such as we have seen in cases of Depo Provera, QS, AZT etc. In fact, before we end, we need to at least outline the plethora of concerns that this unleashes for us.

Corporate Conduct : Accountability is the First Victim

On the one hand, health groups have been working for greater safeguards for peoples' health in the context of medical research and clinical trials. But failing such protection, the next question is the issue of what recourse a trial subject has for adequate medical attention or compensation for damages during the entire process. Unlike the pre-liberalised scenario where the state could be held responsible for the nature, conduct, results and follow-up of clinical trials on human subjects through its health programmes, we have now entered an era of increased vulnerability of peoples' health. From being a 'trial subject', today a woman buying Depo Provera over the counter or undergoing QS in a private clinic has been turned into a 'consumer' with little recourse for justice in a land where the consumer protection movement is yet to find a footing, the inclusion of medical services under the Consumer Protection Act notwithstanding.

Add to this the issue of accountability in the context of corporate takeovers and the scenario becomes cause for greater concern. As we all know, when Dow Chemical took over Union Carbide Corporation (UCC) in February 2001, it created the largest chemical corporation in the world. With the merger, Dow took on UCC's assets, but has refused to take on its liabilities -- the fallout of the world's worst industrial disaster in Bhopal caused by faulty plant design and gross negligence, which according to survivors' organisations killed more than 2,000 people in the immediate aftermath, and about ten times that number over the following 18 years.

Yet, the Indian government attempted (unsuccessfully) to dilute the original charges of culpable homicide against prime accused Warren Anderson -- Chairman of Union Carbide at the time of the disaster. This development illustrates the concern of the Indian Government that prosecuting Warren Anderson, the head of a transnational corporation would "jeopardise the investment climate". Only sustained pressure from people's organisations has forced the Madhya Pradesh government to announce that it will approach the Supreme Court in a bid to hold Dow Chemicals accountable (Indian Express, October 20, 2002).

Such corporate takeovers and business alliances, though seemingly far removed from people's lives, have a far-reaching impact. In 1995, a merger of Sweden's Pharmacia with Upjohn of the US resulted in Pharmacia & Upjohn. One can only wonder what impact the Pfizer take-over of Pharmacia-Upjohn, the manufacturers of Depo Provera, in a stock-for-stock transaction valued at $60 billion, will have on women users of Depo Provera in India. The merger, announced in July 2002 is described as creating *"a strategic opportunity that immediately creates a global pharmaceutical company with unsurpassed resources and capabilities".*

Such developments give rise to a plethora of questions. How can industrial giants be made to shoulder the liabilities of companies taken over? What are the resources that affected women can garner to fight pharmaceutical giants like these? And what, on the other hand, are the strategies with which women can be enabled to safeguard themselves against NGOs, CROs and other private institutions that also dominate the field?

End Note

Conclusions are not possible in a paper like the present one. But a reiteration of some of the questions raised might help us to find answers. While enunciating good guidelines for ethical conduct of clinical research are essential, they are clearly not enough. The problem is more fundamental. Who will

ensure that the priorities of research go beyond generating profit to addressing issues of public health and safety? Who will ensure that trials are conducted within ethical guidelines? By what means will unethical investigators be held accountable? Finally, if there is no political will or if national agencies do not have the political clout how can we ensure that they will be able to enforce the guidelines?

New ethical guidelines, in addition to keeping pace with scientific developments, must prioritise safeguarding the rights, health and well-being of research subjects. Corporate profits cannot be put ahead of individual well-being. The manner in which political ideology permeates medical research makes it imperative to develop a pro-people, pro-woman definition of "overall purpose" of research.

[This is an adaptation of a paper presented at 'Reaching Beyond Figures: State of Women's Health in Goa,' a workshop organised in November 2002 by the Centre for Women's Studies, Goa University and the Goa State Commission for Women]

ICMR Guidelines on Assisted Reproductive Technologies [ART]

The document 'Ethical guidelines for the Biomedical Research on Human Subjects' released by ICMR in 2000 contained a chapter suggesting guidelines for the practice of Assisted Reproductive Technologies [ART]. The current draft guidelines appear to be an effort to broaden the scope of the earlier guidelines. Although the new guidelines attempt to incorporate some issues related to gender inequality, they still fall short on many fronts, as detailed below. The ethical guidelines should go beyond technicalities and build effective safeguards so that the unequal power relationship between the providers of new technology and its users is minimised. The guidelines should also keep in mind the unequal gender balance, and ensure that the rights of women users of these technologies are not compromised in any manner.

For instance, ethical guidelines should not accept social stigma attached to infertility as a norm. Societies have evolved social ways for childless couples to deal with infertility, for instance, adoption, foster-parenthood, etc. The guidelines should ideally encourage adoption and foster parenthood, and certainly not make loaded statements such as *'Infertility is a tragic condition. The agony and trauma of subfertility is best felt and described by infertile couples themselves'* [in 'Introduction']. We also take this opportunity to stress the need for prevention of infertility as a public health measure, since the country can ill-afford costly techniques of ART.

Scientific developments such as stem cell research have a direct impact on ART. The ethical dilemmas involved in commercial transfer of embryonic material, stem cells etc are deep, and have yet to be played out in the arena of individual lives, the medical establishment and the market. It is still too early to visualise all the knotty and complex situations that could emerge. However, ethical guidelines for ART need to be broad and flexible in order to accommodate these future scenarios, but stringent enough to prevent violation of individual rights. The present draft guidelines have rather detailed descriptions of technical procedures and lists of indications for the same, so also discussion on the diagnosis of infertility and complications associated with the procedures, all of which are redundant.

The discussion on technical procedures is relevant only in so far as it poses ethical dilemmas that can be foreseen. Moreover, the guidelines have not been drafted keeping in mind a long-term perspective. Scope should be left in the guidelines to consider introduction of new technologies and the debates ensuing from their potential use. This is also true for anticipating future modifications and advances in diagnostic techniques. For example, laboratory tests which should be carried out for ensuring sperms are from a healthy, uninfected donor should include ruling out HIV, HBV, HCV, syphilis and other known sexually transmitted diseases, but not restrict itself only to these infections.

The field of Assisted Reproduction is a rapidly developing one. Newer techniques, modifications of existing ones and new approaches characterise this specialisation. In this context, particular care needs to be taken to ensure that the rights of women subjects of research as well as consumers of these techniques are articulated. For instance, infertile women, due to their intense desire to conceive are particularly vulnerable to commercial interests. Guidelines for ART must safeguard their interests.

It is unclear whether the Guidelines for Assisted Reproductive Technologies is proposed to be a part of the 'Ethical guidelines for the Biomedical Research on Human Subjects' or the ICMR Code or a stand-alone document. If the former is the case, guidelines covering research-specific issues (for instance clinical trials) have been dealt with in the ICMR Code. However, if the current ART Guidelines are to stand on their own, there is a need to reiterate some safeguards for research subjects. This is particularly necessary in the commercial context where the manufacturer-researchers themselves stand to gain from the results of the trials. It is then incumbent upon neutral bodies to ensure that ethical guidelines are adhered to and also bring to light any violations. For this, well-formulated guidelines drafted with foresight and a long-term vision are a must.

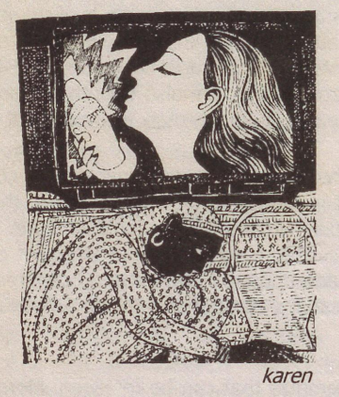
BOOTY WITH BEAUTY

industry with purpose

This November, officials at the Miss World Inc were a determined lot. Protests, riots, and violence in Lagos, the venue of this year's beauty pageant left 200 dead and hundreds wounded. Religious leaders objected to the 'exposure' by swimsuit clad contestants, while feminists protested about the commodification of women. Nigerian officials were in a quandary. Undaunted, the organisers shifted the venue to London. While a few potential beauty queens were disturbed enough by the turn of events to opt out, others were undeterred. What exactly are the contentious issues? Here are some voices on the subject:

Yes, a beauty pageant is a trivial indulgence, and some may argue that it even diminishes the status of womanhood. However, given a choice between the bearded wannabe Taliban face of any protagonist governor of Sharia, uttering his imprecations against the beauty contest on television, and the sight of sylphid aspirations of feminity on parade, I have no hesitation in opting for the latter. Never has a frivolity acquired such profundity in the pluralist character that is the very essence of the Nigerian nation!

Wole Soyinka, Nobel laureate for literature
Times of India, 02.12.2002



karen

BEAUTY CONTESTS are strange events. These days, if you say you dislike them, you are told that you are a stuffy old feminist who cannot accept that the world has changed. And that just as the American interest in Iraq is not about democracy but about oil, so beauty contests are not about beauty but about commerce So we must stop objecting and simply accept that it is oil and money that make the world go round. The world is certainly a big enough place to accommodate the promoters of the Miss World contest as well as those who oppose the commerce that flourishes on the basis of exploiting women's physical attributes. But that space shrinks when commerce overtakes common-sense, overrules logic, ignores reality and reeks of crass insensitivity. This time round, all of this happened.

-Kalpana Sharma
The Hindu, 01.12.200

"Nigerian Islam's encounter with that powerhouse of subversion, the Miss World contest, has been unedifying, to put it mildly. First, some of the contestants had the nerve to object to a Shariah court's sentence that a Nigerian woman convicted of adultery be stoned to death and threatened to boycott the contest – which forced the Nigerian authorities to promise that the woman in question would not be subjected to the lethal hail of rocks.

And then Isioma Daniel, a Christian Nigerian journalist, had the effrontery to suggest that if the Prophet Muhammad were around today, he might have wanted to marry one of these swimsuit hussies himself. Well, obviously, that was going too far. True-believing Nigerian Muslims then set about the holy task of killing, looting and burning while calling for Daniel to be beheaded, and who could blame them? Not the president of Nigeria, who put the blame squarely on the shoulders of the hapless journalist. (Germaine Greer and other British-based feminists, unhappy about Miss World's decision to move the event to London, preferred to grouse about the beauty contest. The notion that the killers, looters and burners should be held accountable seems to have escaped notice.)"

Salman Rushdie
The New York Times, 27.11.2002

DEATH PENALTY FOR RAPE

an open letter from Saheli



As a women's group working on many issues including violence against women, we are extremely distressed by the manner in which the Home Minister and MPs of some political parties have once again been promoting death penalty as a solution to the problem of sexual violence on women.

As admitted by Mr Advani himself, when the issue was debated in 1998 also, he himself had advocated death penalty for rapists but women organisations had by consensus turned it down on a number of grounds. Has Mr Advani bothered to ponder over the reasons as to why women's groups did not favour it? After the spate of gruesome rape cases in Delhi, though such cases have been occurring all over the country, even the media has highlighted the fact that the conviction rate in rape cases is an abysmal 4%. Has Mr Advani cared to find out why is it so?

Women activists and lawyers have repeatedly asserted that capital punishment for rape is no answer when women who are raped have to endure a cumbersome and traumatic process of prosecution, face hostile police, defence lawyers and judges, and be subject to humiliating and insensitive questioning in the presence of men and the rapists in courts. Moreover, loopholes in the procedures most often work to the benefit of the accused, long drawn trials compel the victim to live with the trauma for years. Not to mention the commonplace collusion of police and the investigating authorities with the culprits.

In case after case, we have seen that it is not the lack of sufficient deterrence in the form of stringent punishment like death sentence, but the manner in which the legal and judicial systems work to 'safeguard' the rapist instead of the victim. In addition of course, is the fact that given social prejudices which compel the women to live a life of shame instead of the rapist. We ask the Home Minister to find out the reasons given in various judgements for granting acquittals or for giving very insignificant punishments and then make his decisions instead of trying to make political gain through dangerous populist statements.

Capital punishment is nothing but cold-blooded execution by the State, legitimised by law. Arguing against capital punishment for rape in no way implies leniency towards rapists. Rape is a heinous crime that must be severely punished. A swift, effective and sensitive legal system is likely to be the most effective deterrent.

✂

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SAHELI CALENDAR 2003

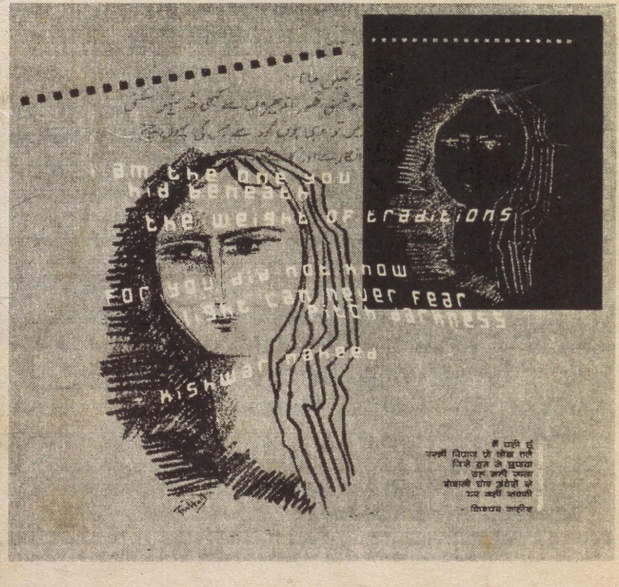
-preview



Saheli wall calendar for 2003 brings together some voices of women as they speak against orthodoxy, violence and militarisation. Six images are based on poems/lines by women writers - Amrita Pritam, Kishwar Naheed, Anne Ranasinghe, Rabi'a Basri, Auvaiyar Kuruntokai and Snehmayi Chaudhary.

As a non-funded group, Saheli attempts to raise money for its work through its publications and individual donations. Contributions to this calendar will help us take our work further.

Size: 11" x16"
Colours: shades of emerald green, white and black
Suggested Contribution: Rs. 50 plus postage



Saheli

NEWSLETTER

jan - apr 2003

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artist: prem chowdhry

of struggles and solidarity

- **Women's Day 2003**
  - Events in Delhi
- **Some Changes At Saheli**
  - It's Official: Friends of Saheli
- **International Initiative For Justice In Gujarat**
  - The Initiative
  - The Panelists
  - A Saheli Account
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# of struggles & solidarity

protests, posters, songs and slogans mark women's day 2003



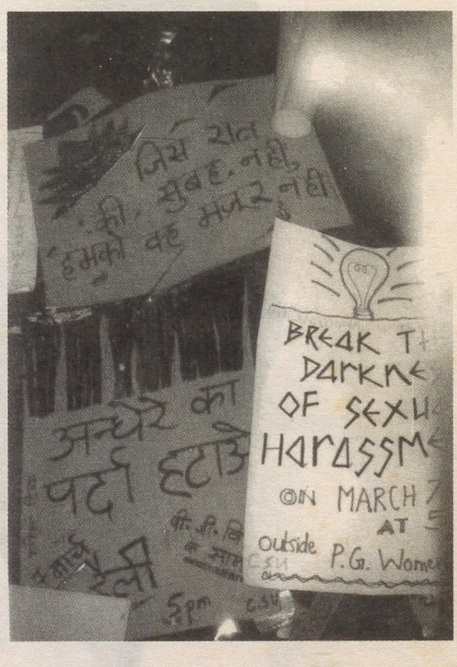
A UNIVERSITY THAT'S SAFE FOR WOMEN
A COUNTRY THAT'S SAFE FOR WOMEN
A WORLD THAT'S SAFE FOR WOMEN
WE CAN MAKE IT HAPPEN!!

The Night is Ours !!

"I take myself back, fear.
You are not my shadow any longer.
I won't hold you in my hands.
You can't live in my eyes,
my ears, my voice
my belly, or in my heart my heart
my heart my heart

But come here, fear
I am alive and you are so afraid
of dying."

—Joy Harjo, "I Give You Back"



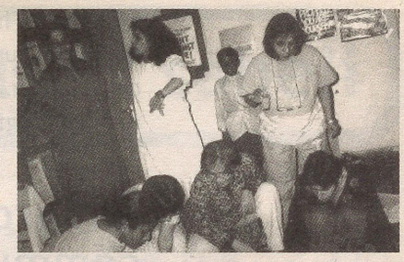
Over the last many years, Delhi University has had a vibrant struggle to make the campus a safer place for women. Yet, 2002 witnessed an increase in incidents of sexual harassment, molestation, stalking and other forms of sexual violence against women. After the gang rape of a student in broad daylight, the campaign gained greater momentum. And, Saheli came together with Forum Against Sexual Harassment, WDC-KMC, WDC-Miranda House, WDC-Satyavati College, Stree Adhikar Sangathan, All India Students' Association, Democratic Students' Union, Progressive Students' Union to form the Coalition for Safe University (CSU).

Rallies, memorandums, petitions to get the University establishment to respond, to get the police force to do their duties, and the Municipal Corporation to provide basic amenities... the year has seen them all. Among the many problems students have been consistently fighting against is the lack of adequate street lighting on many roads around the campus, where most of the harassment takes place. So, women students in the university, especially those staying in hostels, in or around the campus are unable to move about freely.

To focus public attention on the gravity of the situation, CSU organised a "Take Back the Night" event with the resolve to make the area in and around the college campus, free of fear on 7th March 03, the eve of International Women's Day. That evening, armed with posters and songs, placards and resolve, almost 200 women, men and children came together to voice their disgust with the University authority's lack of commitment to 'breaking the darkness of sexual harassment'.

In most areas in North campus, there are no streetlights at all. And those that are there, don't work. The absence of streetlights has an inherent relationship with vulnerability and insecurity of women who study and teach in North Campus. After dark, the lanes and bus-stops become completely deserted and one doesn't know who lurks in the dark corners. Since

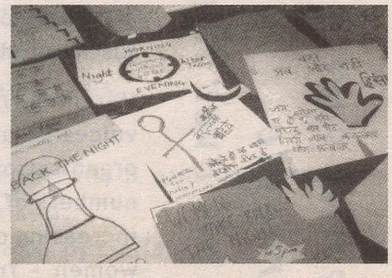
the campus is not a 'closed- campus', anybody can drive by in cars or on motorcycles and create trouble for the women, without even being identified. Even the car plate number can't be read in the dark and the girl's mouth is shut, forever. The libraries and laboratories remain open till late in evening, but students find it difficult to avail of these facilities, because of the fear of having to go back home alone in dark. Worst hit are the students of law faculty, who have evening classes. Moreover, there are about 11-13 hostels in the area and women students living here, as it is, feel insecure, living away from their homes, and nights only make it worse. And yet, the approach of the administration remains shockingly casual.



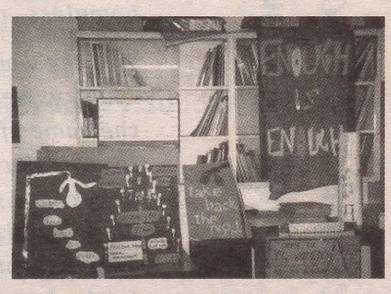
Poster-making workshop at Saheli for Women's Day

At the event, which was held outside the Post Graduate Women's Hostel in the university campus, students, teachers, members of women's groups, student's unions and many more joined up to speak out for "A Campus That's Safe For Women; A Country That's Safe For Women; A World That's Safe For Women... WE CAN MAKE IT HAPPEN!"

Tripta Wahi spoke of the long battle that women have had to wage on campus... a battle that continues, with an arbitrarily nominated body which will soon be formed to receive students' complaints. Nandita Narain of DU taking on from there, delivered an energetic and poignant speech on the self-defeating way in which the DU policy on sexual harassment is being formed. She emphasised the urgent need for a progressive policy that would recognise this offence as a crime. Then, she followed it up by the old Hindi film song *"Kuchh aur zamanaa kehta hai, kuchh aur hai zidd mere dil ki"* (The world expects something from me, but my heart is set on something else...) which she sang, in her tireless, dulcet voice. Then, Neeraj Malik read out some touching pieces of post-war poems by Chilean women and a powerful satire by Pakistani poet, Fahmida Riaz. Deeksha, a student of Miranda House who has been a key member of the CSU, addressed women students, calling on them to come forward in efforts like these to combat regressive policies and ever-increasing violence. And Rajni Palriwal drew out the connections between the struggles of women in a place like the university, and the larger global scenario of war that is looming large. These were interspersed with songs against sexual harassment, communalism and war. Lot of students then joined in and sang songs, danced too, full of the positive energy that is required to fight all forms of violence.



Some of the posters to help make the point!



The Saheli office ready for Women's Day

Walking with the candles of freedom and hope, burning despite the strong wind, marching with banners reclaiming their space on the streets at all times (by stopping traffic to read the posters and hear them loud and clear!!), shouting slogans that would have made the patriarchs fear their oblivion, singing songs, reading out poems, sharing the marginal-yet-threatening space that belongs to women. One could see the moving body of light, that passed from front of the University Hostel for Women, and from Patel Chest, back to Chattra Marg, with the resounding echoes of slogans like: *"Pitra-Satta se, AZAADI ! Shoshann se, AZAADI ! Darr se, AZAADI ! Le Ke Rahenge, AZAADI !"* FREEDOM from patriarchy! FREEDOM from Oppression! FREEDOM from Fear! We'll take our FREEDOM!

In preparation for this event, there was also a poster-making, song-writing, slogan-composing workshop held in Saheli on 1 March, where an energetic gathering of 20 women poured out their creativity on posters, banners, slogans and songs. Banners like "Women without fear- Morning, Afternoon, Evening, Night", that powerfully stated their resolve to live and act without fear and ensure that other women could do so. Another encapsulated powerfully, by merely stating, "Enough is Enough". Songs against communalism, oppression and sexual harassment were also rehearsed with gusto.



Saying it with song and gusto!

Endnote: This powerful event was marked by the dark irony of several women students having to rush back to the PG Women's Hostel by 7:30 pm, a time set to *cage them, for their own safety*. Yet, many of them said enthusiastically before leaving, "next year we won't rush off", giving cause for worry we hope, to those afraid of our fearlessness!

8 march: rallying together against communalism, violence and war

international women's day this year was a day of solidarity with the struggle for peace all over the world

The shadow of the Gujarat violence loomed large. The prospect of war was imminent. Another year of confronting countless incidents of violence against women, of living with the increasing impact of globalisation, reducing livelihood options and food security, and continuing the struggle for reservation for women.

8th March - the symbol of women's struggle worldwide for equal rights and liberty from all forms of oppression was, this year, also a day of solidarity with the struggle for justice and peace all over the world.

Marching from Ferozshah Kotla grounds to Mandi House in Delhi, the roads echoed with voices of about a thousand women from a spectrum of women's groups - party based organisations, NGOs and autonomous groups, and countless individuals (and heartening numbers of men who joined us to express their solidarity). Voices that spoke out against increasing communalism in India, that protested against various forms of violence against women - from dowry to sexual harassment at the workplace, to sex determination, voices that decried the US-UK-led war on Iraq!

With songs and speeches, plays, ditties and the common pamphlet* of the day the messages was clear: *"we want peace and development, NOT war and destruction.... we express our solidarity with our sisters and brothers and children of Iraq, who are threatened by a new savage phase in the 12-year old sanctions; war being waged against them yet again, that will lead to millions more being maimed or killed, more rendered homeless, more jobless, more destitute."*

"we the women of India forcefully raise our voice for peace and communal harmony in the country. We condemn the violence and carnage unleashed by the Sangh Giroh in Gujarat in the name of religion against the minority communities, particularly Muslims. Women were specifically made targets. They were raped - even minor girls and pregnant women were not spared - and murdered. The government whose job was to protect the right to life of all the citizens of India instead connived with the perpetrators... and used religion to garner electoral support... we demand that the guilty be punished in order to restore the faith of the people, especially minority communities, in the rule of law."

"we strengthen our resolve to fight all kinds of violence against women... sexual harassment at the workplace... child rape... domestic violence... dowry... female foeticide... (which are) becoming more rampant"

"we also assert our right to livelihood... and our long standing demand for reservation for women in parliament and state legislatures"

no to war; yes to peace!
international women's day - long live!
women's unity - long live!

* Brought out by Ankur, Centre for Women's Development Studies, EKATRA, FORCES, Janwadi Mahila Samiti (AIDWA), Joint Women's Programme, Mahila Dakshita Samiti, National Federation of Women, Nurses' Union (AIIMS), Nurses' Union (RML), Sabla Sangh, Saheli, Sama, Stri Adhikar Sangathan, YWCA of India, Action India, Akhil Bharatiya Pragatisheel Mahila Association

it's official: friends of saheli

Saheli is now into her 22nd year, looking back, yet thinking forward, ready to bring in something new under the flyover. With reducing numbers of volunteers, increasing NGO-isation and the virtual disappearance of autonomous women's groups like Saheli, we thought it's time for a few organizational changes. And the results have been exhilarating. Like every year, we began by planning our annual meeting in February - to re-view the good, the bad, the ugly! But this time we wanted not only to discuss what we did or didn't do; should or shouldn't take up; but how we were going to do it and who would be our support base. For the first time, we opened up a part of our annual meeting to women who have believed in our work and vision, those who have been part of our struggles, and many who have shown interest in joining us.

Many questions abounded. How many were interested in looking at new ways of interacting with Saheli? What would opening up mean for Saheli as a group? What would we call them/how would they see themselves? Will they even turn up? What about men who have been as much part of our support network...and many more. Yet some risks are worth it, so we took a deep breath and ventured right in!

What we have seen over the past few weeks following the meeting have reaffirmed our conviction that there is strength in numbers. The overwhelming response has been encouraging, and needless to say, it has nudged us into action - both to streamline areas of work, and tackle organizational issues. The term "Friends of Saheli" emerged during the discussions and we continue with it. Currently it is a loose grouping of women who may want to associate more closely and become full-fledged members of the group. For those of you who may want to join in, Saturdays are open - for work, discussions, workshops, song practice, and other creative activities, so do drop in.

There are some serious issues that we need to deal with and one of them is the challenge of defining working guidelines for membership in the changing scenario that lies ahead of us. To be flexible and open and yet maintain a political identity as an autonomous women's group is no mean task. Beyond "Friends of Saheli" we still continue to count on our support network of men and women who sustain our work in many ways. Simultaneously, we continue to work with other women's groups, NGOs, democratic rights groups, mass organizations and trade unions on campaign issues and joint protests.

What can we say about the afternoon of 9 February ? Cheer, support, validation, criticism... and so many women sitting in one room who, oh-so naturally, began to call themselves "Friends of Saheli". Can't think of a better way to sum up the day than a little rhyme that probably doesn't rhyme too much.

So much to do,
Many dreams we've seen.
Less hands we are,
and legs? even less!



But grey matter we have
And ideas galore...
Why not call friends and supporters,
and open some doors?

Fears and apprehensions too,
But POTENTIAL stands out
Let's multiply our numbers,
and try settling some scores.

Yes, many scores to settle,
with patriarchy, communalism and oppression.
Many voices to be raised,
For peace, equality and optimism.

With emails and calls, we took the plunge,
Reaching out to women of all kinds -
Friends and allies,
critics and supporters alike!

And then they came,
What a gathering it was,
A balm for the soul to see a full house.
'Cause a tough contest it was,
Saheli Annual Meeting Vs.Lazy Sunday Afternoon!

Some old, some new.
Some seasoned, some fresh.
Some vocal, some quiet...
But the ideas came in plenty.
Things for Saheli to do,
Things to do with Saheli...



I'll set up the library.
The media is my target.
Some one's got to clean the office!
Pick up the phone and say... "Hello, Saheli."

Hot chai and namkeens did all of us good,
Talk of feeding feminist leanings
Discussions, workshops and more...

A roomful of energy, a million dreams.

Invigorating

Enthusing

And making it Official:
Friends of Saheli

initiating focus on crimes against women in gujarat :

THE INTERNATIONAL INITIATIVE FOR JUSTICE



What do you when as a nation you are witness to months of the worst kind of communal violence against a Muslim minority in Gujarat? When the 'Sangh Parivar' brazenly carries out its planned, orchestrated pogrom through widespread killings and mutilation, mass rapes and sexual assault on women, brutal attacks on children, destruction of property and livelihoods.↗ When such destruction comes with absolute state complicity. When survivors continue to be under attack from an aggressive majority and the state. When any efforts to seek justice or redressal or even 'compensation' (often less than 10% of a family's total material losses) are met with no success. When survivors finally attempting to get on with their lives are forced to "compromise", or threatened with renewed attacks... Relief, legal aid, rehabilitation and support to the survivors... almost anything we have extended has been too little, the scale and nature of the violence too overwhelming.

As women's groups we have been horrified by the violence unleashed on people in general and on women in particular. The patriarchal wars being fought directly and indirectly over women's bodies have thrown up challenges for the women's movement as never before.

Today, it is apparent that present legal frameworks, both national and international, are inadequate to deal with situations like Gujarat. Among the strategies that emerged from collective discussions among women's groups from all over the country was the conviction that voicing strong international concern for what has taken place is a vital strategy for forcing accountability of local instruments of democracy and justice. Hence, women's groups from all over India in conjunction with several others+ came together to initiate and mobilise an international women's human rights community as an **'International Initiative for Justice (IIJ): Redressing violence against women, committed by State and non-State actors in Gujarat'** with a view to :

- To articulate the visible and invisible effects of the sexual violence against women and children as an integral part of the continuing violence on Muslims in Gujarat.
- To explore existing mechanisms to impart justice and reparation from the State and society.
- To analyse such sexual assault and violence against women in the context of other situations of conflict, war, genocide and instances of state complicity.
- To assess established legal frameworks and precedents on sexual violence in situations of conflict, and recommend ways to make such laws more effective.

The IIJ comprised a panel of women jurists, activists, lawyers, writers and academics from various parts of the world - Sri Lanka, Algeria/France, India, Israel/UK, Germany, USA and India - who drew extensively on their work on ethnic violence, armed conflicts, war and sexual violence against women in Bosnia, Algeria, Sri Lanka, Former Yugoslavia and Rwanda among others. These panelists, along with members of several women's groups (including Saheli) visited areas in and around Ahmedabad, Vadodara and Panchmahals District between 14 - 17 December, 2002. During these visits, we met with survivors of the violence as well as with members of women's groups, human rights groups, and other citizens' groups from Gujarat.

↗ Detailed account and references of other reports in Saheli newsletter, July-October 2002

+ Constituent groups of the International Initiative for Justice included: Citizen's Initiative (Ahmedabad), Peoples' Union for Civil Liberties - Shanti Abhiyan (Vadodara), Communalism Combat (Mumbai), Lawyer's Collective (Mumbai), Awaaz-e-Niswaan (Mumbai), Forum Against Oppression of Women (Mumbai), Stree Sangam (Mumbai), Jagori (Delhi), Sama (Delhi), Saheli (Delhi), Nirantar (Delhi), Organised Lesbian Alliance for Visibility and Action (Pune), etc.

🕮 Copies of the Interim Report available from... IIJ c/o FAOW, 29 Bhatia Bhavan, Babrekar Marg, Off Gokhale Road, Dadar (W), Mumbai 400028.

The Initiative then held Press Conferences and Public Meetings in Mumbai and Delhi, where they released an Interim Report,[4] which is excerpted here:

"...Many civil society groups and statutory government bodies have already documented the scope and systematic nature of the violence against the Muslim community, and in particular sexual violence against women in Gujarat. In our visit, we have heard many confirmations of the information contained in these reports. We find it regrettable that the Indian government has not ... ensured the enforcement and implementation of the recommendations set out in, for example, the report of the National Human Rights Commission. We are also concerned by the fact that in spite of the totally inadequate legal and other responses to the violence in Gujarat, the government has continued to deny permission for international scrutiny of the situation.



Injured girls at the Relief Camp in Godhra, March-April 2002

The situation that has arisen in the context of the post-election scenario in Gujarat exposes the fallacy of India's claim to be the world's largest democracy and raises a clear question about whether a 'free and fair' election alone is a sufficient indicator to guarantee and assert the existence of democracy in any society. The key principles that underpin the democratic functioning of any system of governance consists of a series of closely balanced interlinkages of institutions that allow for accountability and transparency... In a pluralist society such as India, ensuring the equal representation and participation of all communities and guaranteeing the rights of women and of minorities are among the most important tests of a genuine democracy. The propagation of fear and hatred among communities is anathema to these principles and is inconsistent with both national and international law.

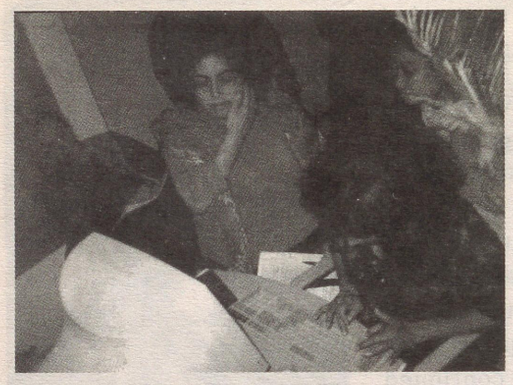
guaranteeing the rights of women and of minorities is the genuine test of a democracy

We are also concerned about the various complex ways in which the post September 11 political climate and the 'war against terror' is being used to deepen divisions and conflicts in Indian society through the manipulations of prejudices and fears...

We have no doubt that the state has been complicit both in the perpetration of the violence in the state of Gujarat, and in the failure to redress it. Nine months later, we are appalled to discover the continuing levels of violence and the inadequacies of existing mechanisms to deliver justice to the victims and survivors. This violence, which reflects a longer and larger genocidal project, in our view constitutes a crime against humanity and satisfies the legal definition of genocide, both of which are crimes of the most serious dimension under international law. In addition, the results of the recent election in Gujarat give the instigators and perpetrators of violence in that state the power and potential to continue with their campaign of hate and terror against the Muslim community. As we heard so often, 'They will never let us survive'. This constitutes a frightening exacerbation of the genocidal conditions prevailing in Gujarat with the potential of spreading to other parts of India, and calls for an urgent and concerted international and national response.

The systematic use of rape and sexual violence as a strategy for terrorising and brutalising women in conflict situations echoes experiences of women in Bangladesh in 1971, and in countries such as Rwanda, Bosnia and Algeria. In Gujarat, as in all these other countries, women have been targeted as members of the 'other' community, as symbols of the community's honour and as the ones who sustain the community and reproduce the next generation...

During our visit, we have been struck by the explicit use of male sexuality as the mechanism and mobilising tool for recruiting members for the 'cause' and as a means of imposing 'Hindu' dominance upon the Muslim community. We find chillingly unique the incitement to sexual violence as a means of proving the masculinity of the 'Hindu' man, as reflected in the political propaganda of the forces of Hindutva prior to, during and after the violence in February/March 2002 and as carried out through patterns of men stripping and exposing themselves to women in an aggressive and threatening manner, and committing acts of mass rape and burning of victims.



Working on the Interim Report in New Delhi

Testimonies point to the direct involvement of BJP, VHP and Bajrang Dal leaders

Muslims continue to face an economic boycott

In many villages women activists are being threatened

The impact of sexual violence experienced by Muslim women of Gujarat continues. The medical system has also proved to be unresponsive to the needs of women who have been victims of violence including sexual violence. Survivors of sexual violence have little access to counselling, and issues relating to their sexual and reproductive health and rights are neglected. We found very little attention paid to issues relating to pregnancy, abortions and sexually transmitted infections as a consequence of sexual violence, and were appalled at the lack of safe spaces for women to recover and defend themselves.

The few women who tried to bring charges of sexual violence have found the legal and investigative systems totally unresponsive to their needs. In many cases, it is the police who were the instigators and perpetrators of sexual violence against Muslim women. The entire system conspires to detract from the fact that sexual violence is a crime not only against women but also against humanity... The known connections of officials within the legal system including many members of the police, Public Prosecutors and the judiciary, with organisations of the Sangh Parivar clearly impairs the course of justice... What the experiences of Gujarat show more clearly than ever is the need to eliminate unjust evidentiary requirements that prevent prosecution without medical reports and other corroborating evidence... This situation is all the more unacceptable in the face of progress that has been made internationally in terms of prosecuting rape and sexual violence as torture, as a war crime and as a crime against humanity and genocide at the ad hoc Tribunals for the former Yugoslavia and Rwanda. These advances have now been expanded and codified in the Rome Statute of the International Criminal Court (ICC).

In addition, many testimonies point to the direct involvement of BJP, VHP and Bajrang Dal leaders as instigators and perpetrators of the violence in Gujarat. In a search for justice, holding public figures who bear a specific responsibility to safeguard democratic norms and human rights accountable is an essential step. This accountability has been demonstrated in the Tribunals for the former Yugoslavia and Rwanda, where public officials and public figures have been tried and convicted for the instigation and encouragement of crimes against humanity and genocide including sexual violence.

Despite the Indian government's claims that normalcy has been restored, during our visits we have seen patterns of continuing violence that totally marginalise the Muslim community and convey to them that they do not have any place within the Indian nation today. Many Muslims have been displaced due to the attacks on their villages, unable to return home, unable to work, unable to send their children to school or play, they suffer a deep sense of physical and mental insecurity. In many cases, Muslims face an economic boycott, despite claims to the contrary.

The criminal justice system has failed to deliver justice to the victims of the violence... While perpetrators continue to enjoy impunity, hundreds of Muslims remain in prison on false charges... The state continues to abdicate its responsibilities to Muslim citizens in terms of support for survival needs, rehabilitation and reconstruction... It has left this process almost entirely in the hands of NGOs and charitable organisations.

There is a lack of focus on specific issues faced by single women, widows, female heads of households especially in the context where their traditional systems of support have collapsed.

In the post-election scenario, where the BJP won in all areas where violence was most widespread, Muslims feel that for them, all democratic options for justice and representation have been closed... The election result reaffirms the impunity of those who unleashed and enacted the violence, and their renewed strength has increased fear among the Muslim community... Post-election victory speeches and statements

have also threatened all those who have tried to draw attention to the situation of the Muslim community in Gujarat, labeling them as 'pseudo-secularists' who try to ruin the image of Gujarat. For example, we cite Pravin Togadia's statement, 'All Hindutva opponents will get the death sentence and we will leave it to the people to carry this out'. (The Hindu, 18 Dec, 2002). Such statements enhance fear and insecurity among NGOs, community leaders and progressive media persons that they would be targeted next. In many villages women activists are being told 'we know where you live, we know you go to the field alone, what happened to Muslim women can also happen to you'. The tolerance of such hate propaganda is morally reprehensible, and in flagrant violation of national and international standards that prohibit the inciting of hatred against a community, as set out in the Convention against Genocide and in the International Covenant on Civil and Political Rights, to which India is a signatory.

At the conclusion of our visit, the most immediate need remains to guarantee safety, and legal and social justice to the victims of violence in Gujarat at the individual and collective level...

Even as we indict the state and its mechanisms for its failures to protect citizens and to provide redress for injustices, we also call upon all Indian people and civil society institutions to actively counter the campaign of hatred and fear that is at the core of this genocidal project. The international community, at the level of state, inter-governmental and non-state organisations, must condemn the advance of this genocidal project in India, and pressurise the government of India to protect human rights and democratic principles.

urgent actions to be taken:
by the indian government

- *Restore to the Muslims of Gujarat, their rights to life and security survival, as guaranteed to all citizens in the Constitution of India.*

- *Safeguard and protect the social, economic, cultural and political rights of Muslims in Gujarat as per international human rights norms.*

- *Establish a special independent court and appoint special prosecutors as well as staff untainted by connections to communal organisations, with the authority to try the crimes committed in Gujarat as crimes against humanity and genocide under customary international legal standards, including the international crimes of rape and sexual violence.*

- *Ensure prosecution of all instances of sexual violence, including those where the victim is killed, broaden the understanding of rape to include insertions other than penile penetration, eliminate the insistence on production of medical evidence and corroboration of victims' testimonies, and prohibit admission of evidence attacking the character or sexual chastity of victims.*

- *Institute a legitimate investigation and prosecution of the crimes committed against the Muslim community and Muslim women by individuals in the police, paramilitary forces and other officials, including the review and re-filing of FIRs and arrest of absconders.*

- *Investigate and prosecute organisations such as VHP, RSS, BJP, Bajrang Dal, Shiv Sena and their affiliate organisations as well as officials and individuals responsible for the continuing harassment and propagation of hate through measures such as the training of militia and the overall planning of genocidal attacks in Gujarat.*

- *Enforce, and outlaw where necessary, those responsible for the economic boycott, ghettoisation and other economic sanctions against the Muslim community.*

Panelists address the IIJ Press Conference in New Delhi



the panelists of the international initiative for justice

INSPIRING WOMEN'S VOICES FROM AROUND THE WORLD

Rhonda Copelon is a Professor of Law at the City University of New York School of Law, Director of the International Women's Human Rights Clinic, and founder member of the Women's Caucus for Gender Justice that influenced the International Criminal Court for the Former Yugoslavia and Rwanda to recognise gender violence as a form of torture and genocide. She is legal counsel in major cases under the US Alien Tort Claims Act against perpetrators of human rights violations. "After ten years of feminist advocacy around the world, the international tribunal in Yugoslavia and Rwanda came to recognise rape as a form of torture, act of genocide and a crime against humanity. And although the International Criminal Courts have no jurisdiction in India, it is a norm that can be used for advocacy in law reform and in Gujarat."

Gabriela Mischkowski is a historian by training and co-founder of Medica Mondiale, Germany, which works to support war traumatized women in Bosnia-Herzegovina, Kosovo, Albania and Afghanistan by providing medical and psychological care and support. She monitored and extensively documented the Foca Trial of former Yugoslavia, which dealt exclusively with sexualized violence and enslavement. She emphasises that "the patterns and functions of rape in a war are different, and in Gujarat, it was clearly linked with an assumed threat to Hindu masculinity. Hence, the centrality of rape, women, and sexuality in the Gujarat conflict is significant."

Nira Yuval-Davis, Professor in Gender and Ethnic Studies, University of East London, and President, Research Committee on Ethnic, Race and Minority Relations of the International Sociological Association, describes herself as a diasporic Israeli anti-zionist Jew. She has written extensively on nationalism, racism, citizenship and gender relations, and is a founder member of Women against Fundamentalisms. "Sociologists must look at the interrelations between gender, sexuality and ethnicity" she asserts, focusing on the continuing violence and humiliation of Muslim women by men who raped them in Gujarat, and the vicious targeting of pregnant women many of whom were told by their rapists, 'we will create a new Hindu in you.'

Anissa Helie is coordinator of the international office of Women Living Under Muslim Laws, UK. In a global context of rising religious right, this international solidarity network looks at issues of militarisation, sexual rights and fundamentalisms - the use of religion, ethnicity and culture to seek or obtain political power - within the Muslim world. Anissa stressed on the fact that "when the state abdicates its responsibilities and a community becomes more vulnerable, it doesn't augur well for women. In Gujarat we are already seeing forced marriages and lesser access to education for girls. Women's mobility has decreased, as of course, has their autonomy."

Sunila Abeysekara, director of Inform, a human rights documentation centre in Colombo, Sri Lanka, has been involved in monitoring the on-going peace process in Sri Lanka. "We saw people transform after the election results. It was a terrible moment that signified the final shutting of all the democratic options," she says. "So the crucial challenge ahead is to think about why there is still no coming together of movements in civil society to build bridges in Gujarat... In Sri Lanka, we have had 20 years of struggle and it is only now that we can even think of organising inter-ethnic exchanges - and the initiative has been from women - mothers whose children had disappeared with mothers of soldiers killed by the LTTE!"

Vahida Nainar is Development Director of the Women's Caucus for Gender Justice, a network that intervened in the International Criminal Court process from a gender perspective by influencing the language of the justice mechanisms. Beginning as a field worker with Awaaz-e-Niswan, Mumbai, she co-founded and directed Women's Rights Action Group for four years during which time she coordinated a nationwide study on women and the law in Muslim communities.

Farah Naqvi is an independent writer and consultant on issues of women, democracy and development. She is a founder of Nirantar, Delhi, a women's organization working with rural women. She is also a television journalist producing features on women in global politics and in Islamic societies. She was part of Survivors Speak, the first fact finding report focusing on the impact of the Gujarat carnage on Muslim women, and has been working on the issue of Gujarat since March 2002. "Just because we have had elections, it doesn't mean our 'great democracy' is as glamorous as it is made out to be. At this rate, sheer majoritarianism will keep every minority under constant threat and ultimately wipe it out."

Uma Chakravarty is a feminist historian who has been associated with democratic rights and women's movements, and since 1984, involved in investigations of riots. Recently she participated in the PUDR fact finding mission in Gujarat on the state of criminal cases and rehabilitation of the victims. "It is important to remember that unlike other contexts of conflict, in Gujarat rape was a public spectacle... and this opens up new questions on complicity of an entire community."

Meera Vellayudan is a historian by training and currently working with the Institute for Environmental and Social Concern, Kutch. Her mother was the first Dalit woman graduate in India as well as one of the eleven women on the Constituent Assembly which drafted the Indian Constitution. She said that "this is the first time that Dalits, adivasis and Hindu women actively participated in such large numbers" and expressed concern over "the extent of Hindu mobilisation and the repercussions of this on these communities."

- *The Supreme Court should immediately hear the PILs that are still pending, authorise CBI investigation of major cases, and implement the recommendations of the NHRC.*

- *Accede to the Rome Statute of the International Criminal Court and implement its provisions in domestic law applicable to crisis and non-crisis situations.*

- *Invite and facilitate an international mission of enquiry, including visits by the relevant U. N. Special Rapporteurs to monitor the development of genocide and state responsibility, in order to prevent and punish it.*

- *Recognise state responsibility to provide compensation, in addition to assistance and relief, and ensure transparency in the distribution of the relief funds.*

- *Ensure food security and shelter, and guarantee adequate conditions of living to those displaced.*

- *Provide comprehensive health services, including trauma counselling, and support services to all subjected to brutalised forms of violence.*

- *Remove communal and discriminatory references and distortion of historical facts in the text books of schools, colleges and other educational institutions.*

- *Disband forthwith the Gujarat State Cell to monitor inter-religious and other forms of mixed marriages.*

- *Ensure safety and security of human rights & women's rights defenders, and of independent and secular NGOs working to promote human rights and non-discrimination.*



urgent actions to be taken:
by the international community

- *Declare a genocidal alert.*

- *Utilise universal jurisdiction to fulfil the obligation to try genocide and crimes against humanity under international law.*

- *Challenge the charitable and tax exempt status of organisations that support, directly or indirectly, the Hindutva agenda.*

- *Investigate and prevent the sending of funds to organisations participating in the instigation and implementation of genocide and crimes against humanity against the minority communities." 19 December 2002.*

As this newsletter goes to press, 131 Muslims in Godhra have been charge-sheeted under POTA (Prevention of Terrorism Act) for the burning of coach S-56 of the Sabarmati Express, and killing 57 men, women and children, predominantly Hindus. Yet, despite overwhelming evidence of sexual assault on Muslim women, merely three cases are being fought in the Gujarat courts; despite widely acknowledged economic boycott against Muslims, no action is being taken; despite manifest destruction of property and livelihoods, meagre 'compensations' are being offered; and despite the most widely filmed and televised rioting, looting and burning, the state has failed to file a single case against the guilty! It is imperative that initiatives like the IIJ work relentlessly to keep alive the story of Gujarat 2002, to break the silence that has descended on its horrors, to persevere and increase the pressure for redressal and justice for those citizens. To strengthen our collective ability to combat such communalisation of the majority, and subsequently widespread public sanction of the most heinous crimes on a minority population.

the international community must declare a genocidal alert on gujarat

rethinking electoral 'normalcy'

A SAHELI ACCOUNT OF GODHRA DURING THE IIJ



The Oxford Dictionary defines 'normalcy' as a state of *1. 'conforming to a standard, regular, usual, typical 2. free from mental or emotional disorder.* In the context of recent assembly elections all over the country, it may be worthwhile to re-visit the normalcy that prevailed in Gujarat just after elections in the state.

A member of Saheli accompanied the International Initiative for Justice in Gujarat as volunteer to Panchmahals in mid-December. Polling was just over. The air was heavy with expectancy. Results were to roll in the morning after.

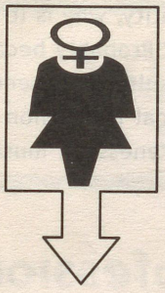
Panchmahals was the worst affected district during the months of communal violence in Gujarat. Everywhere, we met women whose lives had been destroyed. Homes burnt and looted, husbands and children killed, livelihoods wrecked. And they themselves beaten, wounded, humiliated, and often, brutally raped. You know what happened there. Or you think you do, until every woman tells you a story you almost don't have the courage to hear. The fabric of their lives ripped beyond repair, no homes to return to, no freedom to re-build their lives. "Whether we go back or not depends upon tomorrow"... "*Case ke baare mein kal ke baad sochenge*" (We'll think about filing a case only after tomorrow)... woman after woman told us. "Whether we're allowed to fill water in the village or go to our fields, we'll know only after tomorrow", said others who had remained, or returned to their villages, only to live with threats and insults. But fear of the morrow was also tinged with black humour. "If the Congress comes to power", a young man told us, "they'll have a One-Day International (of violence), but if it's the BJP we're in for a Five-Day Test Match!"

And then tomorrow dawned with a saffron sun. As results of the BJP sweep started pouring in, victory drums started rolling in the district. Even before Narendra Modi's followers could start their drunken victory procession in Godhra, muslim families had started fleeing from villages. As the proud, re-elected Chief Minister thundered on television that the English media and secularists had de-famed Gujarat for no reason, thousands of saffron-clad men lined the Vadodara-Halol highway. Crammed in tempos and trucks they went on a *yatra*, celebrating their victory and the manner in which they had earned it. They brazenly admitted to the looting, killing and rapes, and held out the threat of more. In an unabashed public revelry of the most heinous crimes, the air resounded with graphic threats of sexual violence against muslim women. And all the while, New Delhi said that everything was as it should be in Gujarat. "I can't see why you are all so concerned", said the District Commissioner of Police in Godhra without batting an eyelid, when we rushed to him with reports of tension in the region. Barring a few 'stray incidents' in Vadodara, peace had returned to Gujarat. Elections had been 'well-monitored'. 'Normalcy' had been restored.

But with the re-instatement of the BJP government, it was clear to everyone in Panchmahals (and the rest of Gujarat) that all roads to redressal had just closed forever. When all arms of a democracy fail the people, what do mere 'free and fair' elections mean? Ask those thousands of people who remain insecure and homeless surrounded by their attackers; those children still not free to play or go to school; those victims the criminal justice system has failed, whose complaints are consistently distorted by the police, and to whom the administration offers nothing but a blind eye.

44% electoral turnout in Jammu & Kashmir, 62% in Gujarat. 'Normal' participation in the electoral process we are told. Be relieved that old chapters are being closed. After almost two decades of militancy in Jammu & Kashmir, the people have 'given their mandate as citizens'. After months of horrific violence, the people of Gujarat 'have spoken'. The clarion call is out. We must accept the 'will of the people'.

Elections have just been held in Nagaland are to be held amidst dialogue with leaders of the oldest struggle for 'sovereignty'. In Himachal, star campaigner Narendra Modi raised the bogey of Mian Mussharaf with the predominantly hindu population in hope that 'terrorism' will deflect attention from underdevelopment. And in Rajasthan, people have no doubt 'decided' their fate even as they reel under their fourth successive year of drought and famine. This is *'normalcy'* in our land. 'The *standard*, the *regular*, the *usual*, the *typical*'. Our shared experience of being *'free from mental or emotional disorder'*.



the business of sex selection:

trying to tame the tiger

On January 17th this year, the President gave his assent to the amendment to the ineffective Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) (PNDT) Act, 1994. Now called the Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection), the Act leaves no room for doubt about its intentions.

The long-awaited amendment – geared to strengthen the regulatory mechanisms and implementation of the Act and also broaden its scope – has been greeted with applause by women's groups and health activists, and hostility by the medical profession, which tried its best to scuttle the overhaul of the law. Bringing into the ambit of the Act emerging techniques for pre-conception sex selection such as sperm separation and pre-implantation genetic diagnosis, increasing the fine and additional provisions for the suspension and cancellation of the registration of violators, the law rightly targets the medical profession: the so-called 'supply' side of the practice of sex-selection.

Manufacturers of ultrasound equipment are now required to sell their products only to registered clinics, and all ultrasonographers now to have maintain records of all tests conducted by them.

doctor: heal thyself

The medical profession too has supposedly taken a public stand against sex determination. In a heavily publicised function in New Delhi in May 2002, members of FOGSI, the Federation of Obstetricians and Gynaecologists Society of India, took a collective oath to *not recommend or conduct sex determination tests*. Much media attention was devoted to the public spirited doctors vowing to fight this practice. But awareness raising and oaths are, however, unlikely to make a dent in a profession that has shaped itself into an industry, particularly in the context of widespread privatization of health services over the last decade.

Moreover, as the joint statement issued on the occasion by Saheli, Sama, Jagori, Nirantar, All India Democratic Women's Association, Joint Women's Programme & Lawyer's Collective stated, "While it is commendable that forums like FOGSI and the government, are finally taking social initiative on issues of women's sexual and reproductive rights, we find it appalling that in doing so, they should choose to work with religious leaders whose own commitment to women has always been questionable. A prime example of this is the presence of Ms Sadhvi Rithambara in the Forum today. As all of us know, Ms Rithambara has always been a blatantly communal voice. She was actively involved in inciting targeted communal violence against the Muslim community prior to and following the demolition of the Babri Masjid. And today, she represents the Sangh Parivar of the right wing BJP party at the Centre and in the state of Gujarat, the VHP, Bajrang Dal and the RSS that have willfully connived to mete out the most horrific acts of genocide on the Muslims of Gujarat, including the most gruesome acts of sexual violence against women and children. Yet, in the midst of the troubled political climate and the unending spiral of violence in Gujarat, Ms Rithambara has been invited to this forum to speak of "women's empowerment".

It was only in 2002, eight years after the PNDT Act was passed, the Medical Council of India – the authority under Sec 23 (2) of the Act to take action against any erring medical practitioner recognized undertaking sex determination tests 'with the intent to terminate the life of a female foetus' as professional misconduct. According to the Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002, published in the Gazette of India on 6th April 2002, sex-determination without 'proper indication' can lead to de-registration and criminal prosecution.

When any act moves from being ethically wrong to being legally prohibited, regulatory mechanisms play an important role. Cynics may deny the utility of a law simply because it is possible to flout it, and because the regulation brings with it the scope of corruption - the much decried 'license raj'. Yet, the demand for legislation, and the articulation of what constitutes a wrong-doing/crime has been the hallmark of many campaigns of the women's movement. While the 'demand side' of sex determination can be (and must be) tackled through social initiatives, this is a more long-term process, and one where change is not so tangible.

While the women's movement cannot fail to be cognizant of this social reality, why is it that legislation and enforcement has been a significant part of the campaign? Probably because dealing with the providers of the technology shows more immediate results, and sends a message that the practice is simply not acceptable. Moreover, the medical profession and healthcare industry is less amenable to conscientisation and social awareness. It must be tackled through law enforcement and stringent dealing with violators.

self regulation by the medical profession: an impossible dream?

But can the medical profession be expected to self-regulate? Unlikely, feel activists of the Forum for Medical Ethics, given that bodies like the Medical Council of India function virtually as trade union bodies to defend erring doctors accused of malpractice. The MCI code of conduct, while recognizing sex-determination as a punishable offence, allows a huge leeway, since it is only sex-determination 'with the intent to terminate the life of a female foetus' (who will question the doctor's intention?) and sex determination 'without proper' indication that is unacceptable. There is already enough evidence to show that doctors are getting round these regulations, as well as the letter of the law prohibiting the communication of the sex of the foetus. In Haryana, for instance, when asked to specify the indication for which ultrasound is being prescribed, doctors claim 'less amniotic fluid', 'abnormal foetus' etc. The patients are in no doubt about what 'abnormal' in this context means. A male foetus is heralded by the declaration: 'Everything is fine!"

The Act, even with amendments, fails to recognize current medical practice for what it is - a business. Contrary to the demands put forth by several concerned social organizations/ activist groups since the early 1990s, that all pre-natal diagnostic tests be restricted to government hospitals, the 'regulation' of these techniques in fact grants a legitimacy to private sector expansion, and consequent misuse of technology by it.

Unless the proliferation of medical technology and its indiscriminate use in obstetrics and gynaecology is examined, it will be virtually impossible to arrest sex selection. The hue and cry by doctors over the amendments, and their claim that the Act would adversely affect their ability to practice, had at its central point the alleged indispensability of ultrasound as a diagnostic tool in obstetrics. These claims need further substantiation, say experts in foetal medicine specialist at the Apollo Hospital, Delhi. Basing his statement on the Cochrane database, a compilation of the latest in medical research, gynecologist Puneet Bedi says that there is no case for routine ultrasound in obstetrics. "There is no evidence that routine ultrasound has improved either maternal or foetal outcomes. Moreover, it is not always accurate, since it is a completely observer-based diagnosis."

More worrisome is the fact that the risks are not fully known, and some studies show a correlation between repeated ultrasounds and miscarriage, low birth-weight babies and pre-term labour. Yet, as Bedi points out, no other procedure in the history of obstetrics has been accepted on such a large scale with so little evidence of effectiveness or safety. An estimated $ 1 billion are spent every year in the US on routine ultrasounds, and it is a Rs 5 billion industry in India. Is it any wonder then that 'diagnostic clinics' are sprouting out of every garage and tin shed? Undoubtedly, the easy availability of technology is making it easier to translate son preference into elimination of females. An estimated 20 million females in this country have been eliminated following sex determination tests. But not a single doctor has been convicted. It is the providers of this technology who have to be held ethically as well as legally accountable. Immediately. Before another 20 million females go missing.



The Act still fails to recognise current medical practice for what it is – a business.

Iraq is one of the few fortunate nations in the world's history to have won the empathy of the Great Democratic U.S. Government that wishes to "save" it yet again from the clutches of its cruel dictator (of course, Iraq should forget who was responsible for installing that leader there in the first instance). And the world should be grateful to the U.S. for having saved it from the non-proven presence of WMD of Iraq. With such phenomenal acts for which to be congratulated, we include here a "Thank You" note for U.S. President George W. Bush by contemporary poet Paulo Coelho.

thank you, president bush
paulo coelho (11/03/2003)

Thank you, great leader George W. Bush.

Thank you for showing everyone what a danger Saddam Hussein represents. Many of us might otherwise have forgotten that he used chemical weapons against his own people, against the Kurds and against the Iranians. Hussein is a bloodthirsty dictator and one of the clearest expressions of evil in today's world. But this is not my only reason for thanking you. During the first two months of 2003, you have shown the world a great many other important things and, therefore, deserve my gratitude. So, remembering a poem I learned as a child, I want to say thank you.

Thank you for showing everyone that the Turkish people and their parliament are not for sale, not even for 26 billion dollars. Thank you for revealing to the world the gulf that exists between the decisions made by those in power and the wishes of the people.

Thank you for making it clear that neither José Aznar nor Tony Blair give the slightest weight to or show the slightest respect for the votes they received. Aznar is perfectly capable of ignoring the fact that 90% of Spaniards are against the war, and Blair is unmoved by the largest public demonstration to take place in England in the last thirty years. Thank you for making it necessary for Tony Blair to go to the British parliament with a fabricated dossier written by a student ten years ago, and present this as 'damning evidence collected by the British Secret Service'.

Thank you for allowing Colin Powell to make a complete fool of himself by showing the UN Security Council photos which, one week later, were publicly challenged by Hans Blix, the chief weapons inspector in Iraq. Thank you for adopting your current position and thus ensuring that, at the plenary session, the French foreign minister, Dominique de Villepin's anti-war speech was greeted with applause - something, as far as I know, that has only happened once before in the history of the UN, following a speech by Nelson Mandela.

Thank you too, because, after all your efforts to promote war, the normally divided Arab nations were, for the first time, at their meeting in Cairo during the last week in February, unanimous in their condemnation of any invasion.

Thank you for your rhetoric stating that 'the UN now has a chance to demonstrate its relevance', a statement which made even the most reluctant countries take up a position opposing any attack on Iraq. Thank you for your foreign policy which provoked the British foreign secretary, Jack Straw, into declaring that in the 21st century, 'a war can have a moral justification', thus causing him to lose all credibility. Thank you for trying to di ide a Europe that is currently struggling for unification; this was a warning that will not go unheeded.

An Agenda for Global Hegemony

An Illegal War

The War of Occupation

Thank you for having achieved something that very few have so far managed to do in this century: the bringing together of millions of people on all continents to fight for the same idea, even though that idea is opposed to yours. Thank you for making us feel once more that though our words may not be heard, they are at least spoken - this will make us stronger in the future. Thank you for ignoring us, for marginalising all those who oppose your decision, because the future of the Earth belongs to the excluded.

Thank you, because, without you, we would not have realised our own ability to mobilise. It may serve no purpose this time, but it will doubtless be useful later on. Now that there seems no way of silencing the drums of war, I would like to say, as an ancient European king said to an invader: 'May your morning be a beautiful one, may the sun shine on your soldiers' armour, for in the afternoon, I will defeat you.'

Thank you for allowing us - an army of anonymous people filling the streets in an attempt to stop a process that is already underway - to know what it feels like to be powerless and to learn to grapple with that feeling and transform it. So, enjoy your morning and whatever glory it may yet bring you.

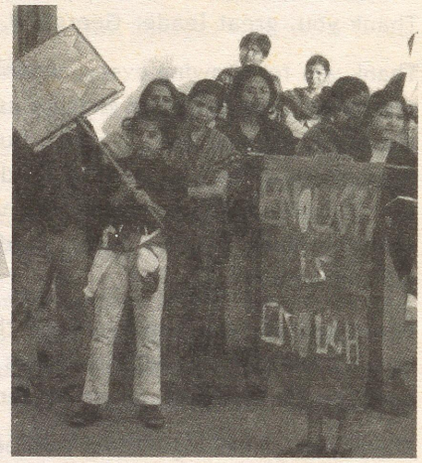
Thank you for not listening to us and not taking us seriously, but now that we are listening to you and that we will not forget your words. Thank you, great leader George W. Bush.

In Peace We Trust

There is no Honour in Murder

अमरीका का विरोध जारी; पाक में लोग सड़कों पर उतरे

Listen to the World



Women Against War

We look forward to your letters, comments and suggestions. Do write in to us. Also, you are free to use/reproduce any material from our newsletter after acknowledging the source; but please do inform us of the same, and send us a copy.

Please send in your contributions soon! Rising printing and mailing costs are catching up with us. We can no longer keep sending out large numbers of free copies!

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3 years (9 issues): Rs 200

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सहेली

न्यूज़लेटर

जनवरी - अप्रैल २००३

केवल निजीवितरण हेतु ❖ सहयोग राशि : १० रुपये



कलाकार : प्रेम चौधरी

संघर्ष और एकजुटता

- अंतर्राष्ट्रीय महिला दिवस २००३
  - दिल्ली में हुए कार्यक्रमों का ब्यौरा
- 'सहेली' में कुछ परिवर्तन
- गुजरात में न्याय के लिए अंतर्राष्ट्रीय पहल
  - पहल
  - पैनल में शामिल महिलायें
  - एक विवरण सहेली के द्वारा
- लिंग जाँच के खिलाफ़ कानून में संशोधन
- इराक़ पर हमले के विरुद्ध आवाज़ें

मुद्रित सामग्री/बुक पोस्ट

न पहुंचने की स्थिति में कृप्या निम्नलिखित पते पर लौटा दें -

सहेली वूमेन्स रिर्सोस सेन्टर, दुकान न० 105-108 के ऊपर, डिफेन्स कालोनी फ्लाइओवर मार्केट,
नई दिल्ली - 110024.
टेलीफोन - 24616485



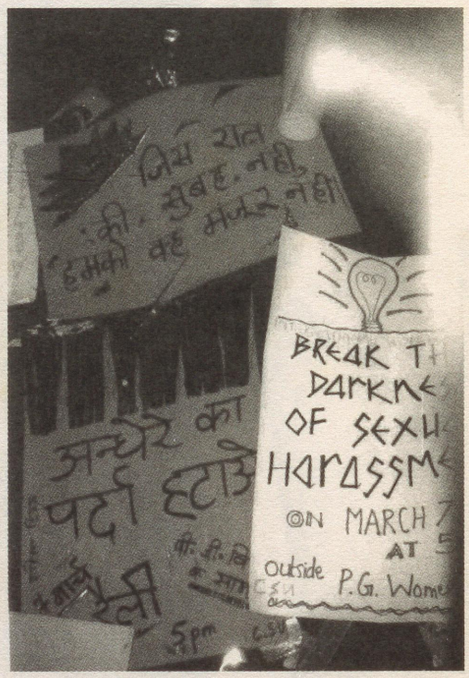
संघर्ष और एकजुटता

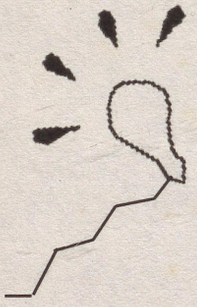
अंतर्राष्ट्रीय महिला दिवस - 2003

गीतों, नारों, पोस्टरों के साथ

ऐ डर मैं खुद को तुमसे अलग करती हूँ
अब तुम मेरी छाया नहीं हो।
मैं तुम्हें अपने आप में नहीं बसने दूँगी।
अब तुम मेरी आँखों में, कानों में,
मेरी आवाज़ में, मेरे उदर में
नहीं रह सकते; न ही मेरे दिल में;
मेरे दिल में, मेरे दिल में
पर मेरी चुनौती स्वीकारो, ऐ डर
मैं ज़िंदा हूँ और तुम मौत के ख़ौफ़ से
कितना काँप रहे हो।

-जॉय हार्जो - मैं तुम्हें लौटाती हूँ





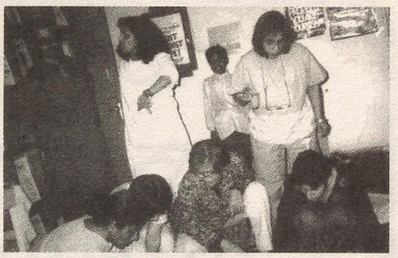
एक विश्वविद्यालय जो महिलाओं के लिए सुरक्षित हो
एक देश जो महिलाओं के लिए सुरक्षित हो
एक विश्व जो महिलाओं के लिए सुरक्षित हो
और इसे हम हासिल करके रहेंगे !!

पिछले कई सालों से, दिल्ली विश्वविद्यालय (विवि) के कैंपस को महिलाओं के लिए सुरक्षित बनाने का जीवंत संघर्ष चला आ रहा है। फिर भी वर्ष २००२ में यौनिक उत्पीड़न, छेड़छाड़, पीछा किए जाने और अन्य प्रकार की यौनिक हिंसा की घटनाओं में बढ़ोत्तरी हुई है। भरी दुपहरी में एक छात्रा के सामूहिक बलात्कार के हादसे के पश्चात इस अभियान ने अधिक ज़ोर पकड़ा। जिसके फलस्वरूप सहेली, फ़ोरम अगेंस्ट सेक्सुअल हॅरैस्मेंट (फैश), किरोड़ी मल, मिरांडा हाउस और सत्यवती कॉलेजों के महिला विकास केंद्र, स्त्री अधिकार संगठन, अखिल भारतीय छात्र संघ (आयसा), लोकतांत्रिक छात्र यूनियन (डीएसयू) और प्रगतिशील छात्र यूनियन (पीएसयू) एकजुट हुए और कोलिशन फॉर सेफ़ यूनिवर्सिटी (सीएसयू) का गठन किया।

पिछले वर्ष के इस अभियान के दौरान, रैलियाँ निकाली गई, विश्वविद्यालय प्रशासन को अपनी ज़िम्मेदारी निभाने, पुलिस को अपना काम निष्ठा पूर्वक करने और नगरपालिका से मौलिक सुविधाएं मुहैया कराने की माँगें करते हुए ज्ञापन व याचिकाएँ दर्ज की गई। अनेकों समस्याओं से निरंतर जूझते हुए, छात्र के समक्ष कैंपस के चारों ओर कई सड़कों पर पर्याप्त प्रकाश के अभाव की समस्या जिसकी वजह से विवि की छात्राएँ, विशेष रूप से वे जो कैंपस के अंदर या उसके आसपास के आवास-गृहों (होस्टल्स) में रह रही हैं, स्वतंत्रता से घूम-फिर नहीं सकतीं, पर लगातार संघर्ष करते रहे हैं।

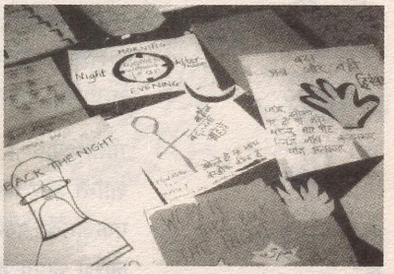
इस गंभीर समस्या पर लोगों का ध्यान केंद्रित करने के लिए, सीएसयु ने अंतर्राष्ट्रीय महिला दिवस की पूर्व संध्या पर, ७ मार्च, २००३ की शाम को, 'टेक बैक द नाइट' यानी ***'अँधेरा हटाओ, हम रोशनी चाहते हैं'*** कार्यक्रम का आयोजन किया। इस संकल्प के साथ कि कैंपस और उसके आसपास के इलाक़े को सुरक्षित एवं भयमुक्त बनाया जाए। 'यौनिक उत्पीड़न के प्रति उदासीनता', को तोड़ने के लिए विवि प्रशासन द्वारा कोई ठोस कदम न उठाए जाने के विरोध में उस शाम, क़रीब २०० महिलाओं, पुरुषों एवं बच्चों ने संकल्प के साथ शिरकत की तथा पोस्टरों और गीतों के माध्यम से एक साथ आवाज़ उठाई।

उत्तरी कैंपस के अधिकतर इलाकों की सड़कों पर ट्यूब लाईट / बल्ब बिल्कुल नहीं है। और जो हैं, वे काम नहीं करतीं। सड़कों पर रोशनी के अभाव का उत्तरी कैंपस में पढ़ने व पढ़ाने वाली महिलाओं की असुरक्षा से सीधा संबंध है। शाम ढलने पर, गलियाँ और बस-स्टाप बिल्कुल वीरान हो जाते हैं और अंधेरे कूचों में कौन छिपा है, इसका आभास नहीं हो पाता। चूँकि कैंपस 'प्रवेश-निषिद्ध इलाका' नहीं है, कोई भी व्यक्ति गाड़ी या मोटरसाइकिल पर सवार गुज़रते हुए महिलाओं को परेशान कर सकता है। अंधेरा होने के कारण व्यक्ति को पहचानना मुश्किल होता है। यहां तक कि गाड़ी का नंबर पढ़ पाना भी संभव नहीं होता। और पहचान न कर पाने की स्थिति में महिला को हमेशा के लिए चुप्पी साधनी पड़ती है। यद्यपि पुस्तकालय और प्रयोगशालाएँ देर रात तक खुली रहती हैं, लेकिन अंधेरे में अकेले घर लौटने के डर से छात्राएँ उनका सही उपयोग नहीं कर पातीं। सबसे ज़्यादा मुसीबत लॉ फैकल्टी की छात्राओं को उठानी पड़ती है क्योंकि उनकी कक्षाएँ अक्सर शाम के समय होती हैं। इसके अलावा, उस इलाके के लगभग ११-१३ आवास-गृहों में रहने वाली छात्राएँ अपने घरों से दूर वैसे ही असुरक्षा की भावना में रहती हैं। उस पर रात्रि का अंधेरापन उनकी स्थिति को और भी संवेदनशील बना देता है। इस सब के बावजूद, इस समस्या के प्रति प्रशासन का रवैया बहुत ही उदासीन है।



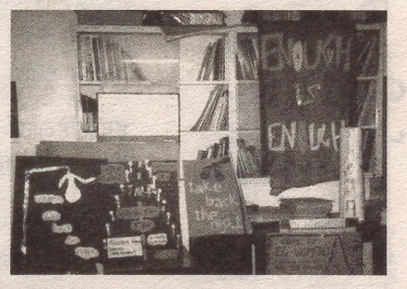
महिला दिवस के लिए 'सहेली' में पोस्टर बनाने के लिए की गई कार्यशाला

पी जी वूमेन्स होस्टल के बाहर आयोजित उस कार्यक्रम में विद्यार्थियों, अध्यापकों, महिला समूहों की सदस्याओं, छात्र संघों और कई अन्य व्यक्तियों ने मिलकर नारा बुलंद किया : हम चाहते हैं 'एक ऐसा कैंपस, एक ऐसा देश और एक ऐसा विश्व जो महिलाओं के लिए सुरक्षित हो, और इसे हम हासिल करके रहेंगे'।



कुछ पोस्टर

तृप्ता वाही ने कैंपस में महिलाओं द्वारा लम्बे समय से किए जाने वाले संघर्ष का ज़िक्र किया...एक ऐसा संघर्ष जो अभी भी जारी है और जारी रहेगा। विशेषकर ऐसी परिस्थितियों में जब विद्यार्थियों की शिकायतें सुनने के लिए बिना किसी औपचारिक प्रक्रिया के एक समिति का गठन किया जा रहा हो। इसी विषय पर आगे बोलते हुए विवि की नंदिता नारायण ने बड़े जोशीले व प्रभावशाली शब्दों में भाषण दिया और यौनिक उत्पीड़न पर विवि द्वारा बनाई जा रही नीति की आलोचना करते हुए उसे आत्मघाती सिद्ध किया। उन्होंने एक ऐसी प्रगतिशील नीति तुरंत बनाने की आवश्यकता पर ज़ोर दिया जिसके अंतर्गत इस दुर्व्यवहार को अपराध घोषित किया जाए। और अंत में उन्होंने अपनी जीवंत और सुरीली आवाज़ में एक पुराना फिल्मी गीत गाया 'कुछ और ज़माना कहता है, कुछ और है ज़िद मेरे दिल की'। उसके बाद नीरज मलिक ने चिली की महिलाओं द्वारा युद्ध उपरांत रचित कुछ हृदय-स्पर्शी कविताएं पढ़ीं और पाकिस्तानी कवयित्री फहमीदा रियाज़ का एक प्रभावशाली व्यंग्य सुनाया। मिरांडा हाउस की एक छात्रा दीक्षा, जो सीएसयू की एक मुख्य सदस्या भी रही, ने छात्राओं को महिला विरोधी नीतियों और प्रतिदिन बढ़ती हिंसा का डटकर मुकाबला करने का आवाहन किया। रजनी पालरीवाल ने विवि कैंपस में महिलाओं के संघर्षों और विश्व में मंडराते हुए युद्ध में होने वाली हिंसा के संबंधों पर रोशनी डाली। इन भाषणों के बीच यौनिक शोषण, सांप्रदायिकता एवं युद्ध विरोधी गीत गाए गए। कई विद्यार्थी बड़े उत्साह के साथ कार्यक्रम में शामिल हुए, उन्होंने गीत गाए और कुछ तो जोश में नाच भी उठे। ऐसा जोश जो किसी भी प्रकार की हिंसा के खिलाफ लड़ने के लिए ज़रुरी है।



महिला दिवस की तैयारी में 'सहेली' का दफ्तर

उम्मीद और आज़ादी की शमा हाथ में लिए सभी, गाते-बजाते, बैनर उठाए, भीड़ को अपने पोस्टर पढ़ने पर मजबूर करते हुए, पितृसत्ता को ललकारने वाले नारे लगाते हुए एक हिंसा मुक्त वातावरण बनाने के जुनून में बढ़ते चले गए। पी जी वूमेन्स होस्टल से शुरु होकर जुलूस पटेल चेस्ट संस्थान गुज़रता हुआ वापिस छात्र मार्ग पर समाप्त हुआ। इस प्रकाशपुंज से ये नारे गूंज रहे थे :'पितृसत्ता से, आज़ादी! शोषण से, आज़ादी ! डर से, आज़ादी ! ले के रहेंगे, आजादी!'

इस कार्यक्रम की तैयारी के लिए करीब २० महिलाओं ने १ मार्च को सहेली दफ्तर में गीतों, पोस्टरों, नारों एवं कविताओं के माध्यम से अपनी रचनात्मकता का परिचय दिया। ऐसे पोस्टर बनाए गए जिसमें स्त्री को हर पल भय-मुक्त करने के संकल्प की झलक दिखाई दी। कुछ सीधा प्रहार करने वाले पोस्टर भी थे जैसे कि : 'बस ! अब और नहीं !' शोषण, अत्याचार, सांप्रदायिकता और यौनिक उत्पीड़न विरोधी गीतों का अभ्यास भी बड़े उत्साह से किया गया।



गीतों से अपनी बात कहते हुए

टिप्पणी : इस सशक्त कार्यक्रम के अंत में एक विडम्बना का सामना करना पड़ा जब ठीक ७.३० बजे पी जी वूमेन्स होस्टल की छात्राएं अपने तथाकथित सुरक्षित पिंजरों में लौटने को मजबूर हुईं। लेकिन जब

लौटते समय कुछ छात्राओं ने बड़े जोश में कहा : 'अगले साल हम लौटने की जल्दी नहीं करेंगीं'। तो उसमें एक ललकार की झलक नज़र आई - उन लोगों को ललकार जो हमारी निडरता और आज़ादी से खौफ़ खाते हैं !

8 मार्च :
सम्प्रदायवाद, हिंसा और युद्ध के ख़िलाफ़ प्रदर्शन

गुजरात में हुई हिंसा का असर अभी तक था। युद्ध होने के आसार साफ नज़र आ रहे थे। एक और साल, औरतों के खिलाफ हिंसा के अन्तहीन मामलों का, वैश्वीकरण के बढ़ते हुए प्रभावों का, भोजन और जीने के विकल्पों में लगातार कमी का और महिलाओं के लिए आरक्षण के लिए संघर्ष का।

8 मार्च, जो कि विश्वभर में समान अधिकारों और सभी प्रकार के दमन से मुक्ति का प्रतीक है, इस साल यह दिन पूरी दुनिया में शान्ति और न्याय के लिए, संघर्ष के लिए एकजुटता का भी दिन था।

दिल्ली के फिरोज़शाह कोटला मैदान से मण्डी हाऊस तक की सड़कें सैंकड़ों आवाज़ों से गूँज उठी। और इसमें सभी थे, औरतें जो की अनेकों महिला समूहों, विभिन्न राजनैतिक दलों, गैरसरकारी और स्वायत्त संगठनों से जुड़ी हुई हैं और व्यक्तिगत रूप से शामिल अनेकों लोग (यह बहुत ही अच्छा अनुभव था कि बड़ी संख्या में पुरुष भी शामिल हए)। इस जलूस में भारत में बढ़ती हुई साम्प्रदायिकता, महिलाओं पर बढ़ती हुई हिंसा (दहेज हिंसा, काम की जगह पर यौन उत्पीड़न, लिंग निर्धारण) और इराक पर अमरीकी/ब्रिटिश हमले के खिलाफ आवाज़ें उठाई गई।

गीतों, भाषणों, नाटकों और एक सम्मिलित (ज्वाइंट) पर्चे ० के माध्यम से दिया जाने वाला संदेश साफ था - ' हम शान्ति और विश्वास चाहते हैं न कि युद्ध और विनाश.... हम इराक के बच्चों, बहनों/महिलाओं और भाइयों/पुरुषों के साथ एकजुटता प्रकट करते हैं जो १२ साल से प्रतिबन्ध सह रहे हैं और अब दुबारा युद्ध के कगार पर खड़े हैं, जिसमें फिर लाखों लोगों की जान जाएगी, न जाने कितने अपंग, बेघर और बेरोज़गार होंगे। '

'हम हिन्दुस्तान की महिलाएं देश में अमन और साम्प्रदायिक सद्भाव के लिए अपनी आवाज़ बुलन्द करते हैं। हम गुजरात में हुए नरसंहार की निंदा करते हैं। यह बर्बरता धर्म के नाम पर अल्पसंख्यकों, खासकर मुसलमानों के खिलाफ संघ गिरोह ने की जिसमें महिलाओं को विशेषकर निशाना बनाया गया। उनका बलात्कार किया और हत्या की। बच्चों और गर्भवती महिलाओं तक को नहीं थ छोड़ा गया। और सरकार जिसकी ज़िम्मेवारी होती है जीने के हक की रक्षा करना, उस ही ने हत्यारों का साथ दिया। धर्म को वोट बटोरने का ज़रिया बनाया। हम धर्म को राजनीति से अलग करने की मांग करते हैं। हमारी यह भी मांग है कि अपराधियों को सज़ा दी जाए ताकि कानून और शासन के प्रति लोगों का विश्वास दुबारा बन सके ।'

'हम महिलाओं पर हो रही हर प्रकार की हिंसा से निपटने का संकल्प करते हैं...काम की जगह पर यौन उत्पीड़न...बाल हिंसा...घरेलू हिंसा...दहेज...बालिका भ्रूण हत्या ।'

'हम जीविका पर अपने अधिकार की मांग को दोहराते हैं। और संसद और विधान सभाओं में आरक्षण की पुरानी मांग पर सरकार को कदम उठाने के लिए अपनी आवाज़ उठाते हैं ।'

इस साल अन्तर्राष्ट्रीय महिला दिवस
विश्वभर में शान्ति के लिए
संघर्ष के साथ एकजुटता का दिन था

जंग नहीं अमन

अन्तर्राष्ट्रीय महिला दिवस ज़िन्दाबाद

महिला एकता ज़िन्दाबाद

अंकुर, सेंटर फार वुमेन्स डेवलपमेन्ट स्टडीज़, एकत्र, फोर्सिस, जनवादी महिला समिति (ऐडवा), ज्वाइंट वुमेन्स प्रोग्राम, महिला दक्षता समिति, नैशनल फैडरेशन फार वुमेन, नर्सिस यूनीयन (एम्स), सबला संघ, सहेली, स्त्री अधिकार संगठन, वायडब्ल्यूसीए आफ इंडीया, ऐक्शन इंडिया, अखिल भारतीय प्रगतिशील महिला असोसियेशन द्वारा निकाला गया ।

एक बैठक : मित्रों व सहयोगियों के संग

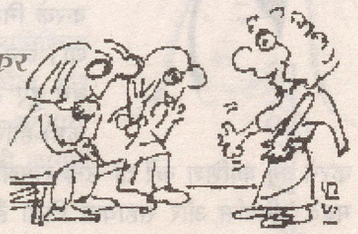
इस साल की वार्षिक बैठक की तैयारी के दौरान, वालंटियरों की घटती संख्या, आए दिन नये एनजीओ के शुरु होने का सिलसिला और सहेली जैसे स्वायत्त संगठनों का लगभग गायब होना - जैसी परिस्थितियों को देखते हुए हमने संगठन में कुछ बदलाव लाने के बारे में सोचा जिसके अच्छे नतीजे देखने का मिले। हर वर्ष की तरह इस साल भी वार्षिक बैठक में बीते वर्ष की उपलब्धियों, कमज़ोरियों व अच्छाईयों की समीक्षा करने की योजना बनाई गई। लेकिन इस वर्ष हमने तय किया कि हमें अपनी चर्चा इसी हद तक सीमित नहीं रखनी चाहिए कि हमने क्या किया और क्या नहीं किया; किन मुद्दों को उठाना चाहिए और किन्हें नहीं, बल्कि हमें इस बात पर भी ध्यान देना चाहिए कि अपने कार्यक्रम को आगे कैसे बढ़ाया जाए और मित्रों एवं सहयोगियों की सक्रिय भागीदारी को सहेली में औपचारिक रूप से कैसे शामिल किया जाए। फलस्वरूप हमने इस वार्षिक बैठक के दौरान एक सभा का आयोजन किया जिसमें कई महिला मित्रों एवं सहयोगियों को आमंत्रित किया, जो सहेली के काम एवं नज़रिए में विश्वास रखती थीं, हमारे संघर्षों में भागीदार थीं और कई अन्य जिन्होंने 'सहेली' से जुड़ने की इच्छा ज़ाहिर की थी।

यह निर्णय हमारे लिए इतना आसान नहीं था। मन में कई सवाल उठे और कई आशंकाएं भी पैदा हुईं। कितनी महिलाएं इस तरह के नये औपचारिक संबंधों के लिए तैयार होंगीं? सहेली के लिए यह खुलापन क्या मायने रख सकता है? इन औपचारिक संबंधों को कैसे परिभाषित करेंगे? इस नई भूमिका में वे स्वयं को कैसे देखेंगीं? वे आएंगी भी या नहीं? और पुरुष सहयोगी, जिन्हें अभी इस औपचारिक भूमिका में शामिल नहीं किया गया, वे क्या सोचेंगे... इत्यादि । कई सवाल उठे, पर हमने आगे बढ़ने का फैसला किया।

पिछले कुछ हफ्तों उस सभा के बाद के अनुभवों ने हमारे इस विश्वास को और भी दृढ़ बनाया कि संख्या, बल एवं शक्ति प्रदान करती है। सहयोगियों की हृदयस्पर्शी प्रतिक्रिया ने न केवल हमारा उत्साह बढ़ाया बल्कि अपने कार्यक्रम को व्यवस्थित करने और सांगठनिक मुद्दों से जूझने के लिए हमें प्रोत्साहित भी किया। चर्चा के दौरान इस लचीले ढाँचे के लिए 'सहेली के मित्र' नाम की संज्ञा उभर कर आई जो अभी भी कायम है। अभी यह एक लचीला ढाँचा है जिसमें ऐसी महिलाएं भी हैं जो सहेली के साथ जुड़कर उसकी पूर्ण सदस्या बन सकती हैं। आप में से कोई जुड़ना चाहें तो आप को बता दें कि शनिवार का दिन सभी के लिए खुला है। किसी भी शनिवार के दिन आप सहेली आ सकती हैं और मौजूदा गतिविधियों - रोजमर्रा के काम, चर्चा, वर्कशाप, गाने के अभ्यास व अन्य सृजनात्मक कला, में शामिल हो अपना सहयोग दे सकती हैं।

अभी भी कुछ ऐसे गहन मुद्दे हैं जिन पर विचार करने और उनसे जूझने की आवश्यकता है। उनमें से एक चुनौतीपूर्ण मुद्दा है बदलती परिस्थितियों में सदस्यों एवं सदस्यता के लिए काम करने के न्यूनतम मापदंडों को परिभाषित करना। खुलेपन और लचीलेपन के साथ-साथ सवायत्त महिला संगठन की राजनैतिक पहचान कायम रखना कोई आसान काम नहीं। ऐसा नहीं है कि काम के लिए हम केवल 'सहेली के मित्र' तक ही सीमित रहेंगे। समर्थन के लिए हम उन सभी पुरुष और महिला मित्रों एवं समर्थकों के उस व्यापक नेटवर्क पर भी निर्भर रहेंगे जिनके समर्थन एवं योगदान से हमें संघर्ष आगे बढ़ाने में शक्ति व प्रोत्साहन मिलता रहा है। साथ ही, अन्य महिला संगठनों, गैर सरकारी संस्थानों, लोकतांत्रिक अधिकार समूहों, जन अधिकार संगठनों और ट्रेड यूनियनों के साथ मिलकर सामूहिक अभियानों एवं संघर्षों पर भी हमारा काम जारी है।

सोचा कितना कुछ करना है
उन सपनों का
मगर
कितने कम हैं हम हमसफर



फिर सोचा
जोश तो कम नहीं
न ही इरादे
तो क्यों न खोलें कुछ दरवाज़े
और पुकारे दोस्तों-मददगारों को

डर, झिझक के आगे खड़े थे
उम्मीद और विश्वास
मिलकर करने के लिए संघर्ष
संघर्ष - पितृसत्ता के ख़िलाफ़
संघर्ष - साम्प्रदायिकता के ख़िलाफ़

मिलकर आवाज़ उठाने
शान्ति के लिए
बराबरी के लिए
नई उम्मीदों के लिए



और फिर आवाज़ दी हमने
उन दोस्तों, साथियों, आलोचकों, समर्थकों को
साथ की थी उम्मीद जिनसे

पुरानी, नई, मंझी हुई
और कुछ ताज़गी लिए वे आई
सशक्त वक्ता, सशक्त श्रोता
हुई विचारों की बौछार
'सहेली को क्या करना है '
'सहेली के लिए क्या करना है '

उस रविवार, दोपहर की गर्मी में
लाखों सपनों और जोश के बीच
औपचारिक जन्म लिया
सहेली की सहेलियों ने ।

गुजरात जनसंहार में महिलाओं पर हिंसा की ओर ध्यानाकर्षित करने की पहल

'न्याय के लिए अंतर्राष्ट्रीय पहल'



एक देश के रूप में आप क्या करते जब आप गुजरात में 27 फरवरी 2002 से मुसलमान अल्पसंख्यकों के खिलाफ सबसे बुरी सांप्रदायिक हिंसा होते हुए देख रहे थे। जब संघ परिवार बड़ी तादाद में हत्याओं व अंगभंग, महिलाओं पर यौन हमलों व बलात्कारों, बच्चों पर क्रूर हमलों, लोगों की संपत्ति व जीविका के साधनों को तबाह करके निर्लज्जता से सुनियोजित और संगठित नरसंहार में लिप्त था। जब इस तबाही में राज्य पूरी तरह से शामिल था। जब जनसंहार में बचे हुए लोग आज भी बहुसंख्यक समाज और राज्य के हमलों का शिकार हो रहे हैं। जब बचे हुए लोगों की न्याय व क्षतिपूर्ति या केवल मुआवज़ा (अक्सर परिवार के कुल नुकसान के दस प्रतिशत से भी कम) हासिल करने की सभी कोशिशें बेकार साबित हो रही हा, जब ये बचे हुए लोग फिर से अपनी जिंदगियाँ शुरु करने की कोशिश करें तो उन्हें समझौते करने पड़ें या फिर और हमलों की धमकियाँ मिल रही हों। इन बचे हुए लोगों को जो भी राहत, कानूनी मदद, पुनर्वास और सहायता मिली है वो बहुत ही कम है और इसके मुकाबले हिंसा की हदें और प्रकृति बहुत ही विकराल है।

महिला संगठन के रूप में हम आमतौर पर लोगों और खासकर औरतों के ऊपर हुई हिंसा से खासे भयभीत हुए हैं। औरतों के शरीरों पर जिस तरह से प्रत्यक्ष और अप्रत्यक्ष रूप से पितृसत्तात्मक लड़ाई लड़ी गई है उससे महिला आंदोलन के सामने एक अपूर्व चुनौती आ खड़ी हुई है।

आज यह लग रहा है कि मौजूदा राष्ट्रीय व अंतर्राष्ट्रीय कानूनी व्यवस्था गुजरात जैसी परिस्थिति से निपटने के लिए अक्षम है।

देश भर के महिला संगठनों के बीच हुए विचार विमर्श से यह धारणा बनी कि जनतंत्रा और न्याय के स्थानीय ढांचे को जवाबदेही के लिए मजबूर करने के जिए, जो कुछ हुआ उसके प्रति अंतर्राष्ट्रीय स्तर पर चिंता और सरोकार पैदा करना ज़रूरी है। इसलिए भारत भर के महिला संगठन अन्य संगठनों के सहयोजन में अंतर्राष्ट्रीय स्तर पर महिला मानवाधिकार समुदाय के रूप मे लामबंद होने की पहल करने के लिए साथ आए। यह पहल है 'न्याय के लिए अंतर्राष्ट्रीय पहल' – 'गुजरात में राज्य व अन्य समूहों द्वारा महिलाओं के ऊपर की गई हिंसा की क्षतिपूर्ती के अंर्तगत की गई इस पहल के पीछे सोच थी :

- ❖ महिलाओं और बच्चों के खिलाफ यौन हिंसा के दिखाई देने वाले और छिपे हुए असर को गुजरात में मुसलमानों के खिलाफ आज भी जारी हिंसा के अभिन्न हिस्से के रूप में व्यक्त करना।
- ❖ न्याय और मुआवज़े के राज्य और समाज के मौजूदा ढ़ांचों और प्रक्रियाओं की खोजबीन करना।
- ❖ जनसंहार, लड़ाई और राज्य की सहापराधिता के संदर्भों में महिलाओं के ऊपर होने वाली यौन हिंसा और हमलों का विश्लेषण करना।
- ❖ प्रतिद्वन्द्व की परिस्थितियो में होने वाली यौन हिंसा के संदर्भ में स्थापित न्यायिक व्यवस्था और पहले के निर्णयों का आकलन करना और ऐसे कानूनों को और अधिक प्रभावकारी बनाने के लिए तरीके सुझाना।

'न्याय के लिए अंतर्राष्ट्रीय पहल' के पैनल में विश्व भर के अलग अलग भागों – श्रीलंका, अल्जीरिया/ फ्रांस, इसराईल/इंग्लैड, जर्मनी, अमरीका और भारत की महिला जज, कार्यकर्ता, वकील, लेखिकाएं, बुद्धिजीवी शामिल थीं। इन्होंने नस्ली हिंसा, सशस्त्र संघर्षों, युद्धों और बोसनिया, अल्जीरिया, श्रीलंका, पहले के यूगोस्लाविया और रंवाडा आदि में औरतों के ऊपर हुई यौन हिंसा पर काम किया है। पैनल मे शामिल महिलाओं ने विभिन्न महिला संगठनों (जिनमें सहेली भी शामिल है) की सदस्यों के साथ 14 से 17 दिसम्बर 2002 के दौरान अहमदाबाद, बड़ौदा, और पंचमहल जिले और इनके आसपास के इलाकों का दौरा किया। इन दौरों के दौरान हमने जनसंहार में बचे हुए लोगों, गुजरात के महिला संगठनों, मानवाधिकार संगठनों और नागरिक संगठनों के सदस्यों से मुलाकात की।

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1. विस्तृत जानकारी और अन्य रिपोर्टों के संदर्भ के लिए सहेली न्यूज़लेटर, जुलाई-अक्तूबर 2002

2. न्याय के लिए अंतर्राष्ट्रीय पहल से जुड़े संगठन - सिटिज़न्स इनीशिएटिव (अहमदाबाद), पीपल्स यूनीयन फॉर सिविल लिबर्टीज़ - शांति अभियान (वदोदरा), कम्यूनलिज़म कॉमबैट (मुम्बई), लॉयर्ज़ कलैक्टिव (मुम्बई), आवाज़-ए-निसवान (मुम्बई), फोरम अगेन्स्ट औप्रैशन ऑफ वुमैन (ऐफ.ऐ.ओ.डब्लय - मुम्बई), स्त्री संगम (मुम्बई), जागोरी (दिल्ली), समा (दिल्ली), सहेली (दिल्ली), निरन्तर (दिल्ली), आरगनाइज़्ड लेज़बियन अलायन्स फॉर विज़ीबिलिटि एण्ड ऐक्शन (पुणे), इत्यादि ।

3. अन्तरिम रिपोर्ट की प्रतियाँ इस पते पर उपलब्ध हैं - आई.आई.जे. c/o ऐफ.ऐ.ओ.डब्लयू, 29 भाटिया भवन, बाबरेकर मार्ग, गोखले रोड़ के सामने, दादर (पश्चिम), मुम्बई - 400028.

पहल ने मुंबई और दिल्ली मे संवादाता सम्मेलन और आम सभां कीं जिनमें एक अंतरिम रपट भी जारी की गई। अंतरिम रपट के मुख्य बिंदु नीचे दिए गए हैं :

... कई एक नागरिक समूहों और वैधानिक सरकारी घटकों ने गुजरात में मुस्लिम समुदाय के ऊपर हुई हिंसा और खासकर महिलाओं के खिलाफ हुई यौन हिंसा के बारे में जानकारी इकट्ठी करके दस्तावेज तैयार किए थे। पहले दौरे में हमें इन रपटों में दी गई जानकारी के सही होने के बारे में प्रमाण मिले। हमें बहुत अफसोस है कि भारत सरकार ने राष्ट्रीय मानव अधिकार आयोग जैसी संस्थाओं के सुझावों को लागू करना भी सुनिश्चित नहीं किया। हमें इस तथ्य से भी चिंता और सरोकार है कि गुजरात की हिंसा के संदर्भ में मौजूदा कानूनी और अन्य विकल्पों के अपर्याप्त और असक्षम होने के बावजूद सरकार ने अंतर्राष्ट्रीय जांच की इजाज़त देने से इंकार कर दिया।



गोधरा के रिलीफ कैम्प में घायल लड़कीयां। मार्च-अप्रेल २००२

गुजरात में चुनावों के बाद जो स्थिति उभर कर आई है उससे संसार का सबसे बड़ा लोकतंत्रा होने के भारत के दावे का भी पर्दाफाश होता है। इससे यह सवाल उठता है कि केवल 'स्वतंत्र ओर निष्पक्ष' चुनाव हो जाना क्या किसी समाज में लोकतंत्र के स्थापित व सुनिश्चित होने का सूचक हो सकता है। किसी भी शासन तंत्र में लोकतंत्रीय कामकाज जिन प्रमुख सिद्धांतों पर आधारित होते है वे हैं – उन संस्थाओं के बीच संतुलित संबंध स्थापित करना जिनके माध्यम से राज्य की जवाबदेही और पारदर्शिता सुनिश्चित हो सकती हो। भारत जैसे बहुलवादी समाज में सारे समुदायों की एक जैसी भागीदारी और प्रतिनिधित्व और अल्पसंख्यकों व महिलाओं के अधिकारों की गारंटी, वास्तविक लोकतंत्र की सबसे महत्वपूर्ण कसौटी है। समुदायों के बीच डर और द्वेष फैलाना न केवल इन सिद्धांतों के लिए अभिशाप है बल्कि यह राष्ट्रीय और अंतर्राष्ट्री कानूनों दोनों की भी अवहेलना है।

11 सितंबर के बाद के राजनैतिक माहौल और 'आतंकवाद के खिलाफ युद्ध' को जैसे तरह तरह से जटिल तरीकों से लोगों के बीच खाई पैदा करने के लिए और पूर्वाग्रहों व डर को भारतीय समाज में अंतर्विरोध पैदा करने के लिए इस्तेमाल किया जा रहा है उससे भी हमें गहरी चिंता है।

हमें कोई शक नहीं है कि गुजरात में हुई हिंसा और उसके बाद उसकी क्षतिपूर्ति न करने में राज्य पूरी तरह सहापराधी है। जनसंहार के नौ महीनों बाद भी जिस तरह की हिंसा जारी थी और जिस तरह मौजूदा ढांचा भुक्तभोगियों को न्याय दिलवाले में असफल रहा उसने हमें सकते में डाल दिया। यह हिंसा, जो एक बृहद और लंबे जनसंहार की योजना का हिस्सा है, हमारे हिसाब से मानवता के खिलाफ अपराध है और कानूनी परिभाषा के अनुसार इसे जनसंहार कहना उचित है। अंतर्राष्ट्रीय कानून के अनुसार ये दोनों ही बहुत अधिक गंभीर अपराध हैं। इसके अलावा गुजरात में हाल में हुए चुनावों के परिणामों से इस हिंसा में शामिल लोगों को मुसलमानों के खिलाफ डर और नफरत का अपना अभियान चलाए रखने की ताकत मिली है। हमें बार बार सुनने को मिला 'वे हमें जीने नहीं देंगे'। यह गुजरात में जनसंहार की परिस्थितियों का डरावना रूप है और यह देश के अन्य भागों मे भी फैल सकता है। इन परिस्थितियों में यह बहुत ही ज़रूरी हो जाता है कि इस मुद्दे पर राष्ट्रीय और अंतर्राष्ट्रीय प्रतिक्रियाऐं आऐं।

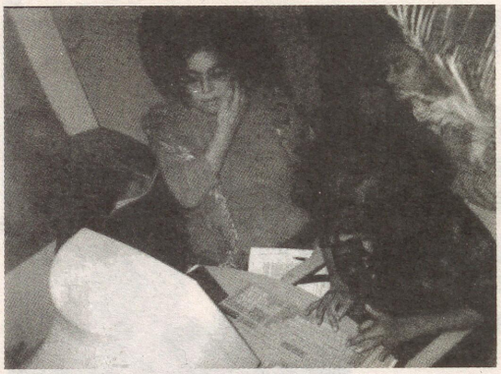
प्रतिद्वंद्व की परिस्थितियों में बलात्कार और यौन हिंसा के इस्तेमाल द्वारा महिलाओं को आतंकित करने की रणनीति बंगलादेश की महिलाओं के 1971 के अनुभवों से और रवांडा, बोसनिया और अलजीरिया के अनुभवों से मेल खाती है। गुजरात में भी इन सभी देशों की तरह औरतों को 'दूसरे' समुदायों के सदस्यों, समुदाय की इज्ज़त के प्रतीक और समुदाय को चलाने वालों और अगली पीढ़ी तैयार करने वालों के रूप में निशाना बनाया गया है।

जिस तरह से पुरुष यौनिकता का एक ख़ास 'मकसद' के लिए सदस्य जुटाने के लिए और मुसलमान समुदाय पर 'हिन्दुओं' का प्रभुत्व थोपने के लिए खुलेआम इस्तेमाल किया गया है, वो चौंकाने वाला है।

हिन्दू पुरुषों का पौरुष साबित करने के लिए यौन हिंसा का यह इस्तेमाल किया जाना अपने आप में बेजोड़ और जड़ कर देने वाला है। यह फरवरी / मार्च की 2002 की हिंसा के दौरान व बाद में हिन्दुत्व वादी ताकतों के राजनैतिक प्रचार में साफ़ दिखाई देता है, जो कि पुरुषों द्वारा महिलाओं के सामने आक्रामक और धमकाने के तरीके से नंगे होने या महिलाओं के साथ बड़ी तादाद में बलात्कार करने व फिर उन्हें जला देने जैसे तरीकों के द्वारा सामने आता है।

गुजरात में मुसलमान महिलाओं ने जिस यौन हिंसा का सामना किया उसका असर अभी भी जारी है। चिकित्सीय व्यवस्था हिंसा और यौन हिंसा की भुग्तभोगी महिलाओं की ज़रूरतों को पूरा करने में पूरी तरह से

महिलाओं और अल्पसंख्यकों के अधिकारों को सुरक्षित करना ही लोकतंत्र की असली परीक्षा है /



दिल्ली में अन्तरिम रिपोर्ट पर काम करते हुए

अपर्याप्त और अक्षम साबित हुई है। यौन हिंसा की शिकार महिलाओं को किसी भी तरह के मानसिक सहारे व सलाह की कोई सेवाऐं उपलब्ध नहीं है। उनके यौन स्वास्थ्य और प्रजनन स्वास्थ्य संबंधी मुद्दों और अधिकारों को नज़रअंदाज़ किया जा रहा है। यौन हिंसा के परिणामों जैसे गर्भावस्था, गर्भपात और यौनसंबंधी रोगों आदि पर बहुत ही कम ध्यान दिया जा रहा है। महिलाओं के पास इनसे उबरने और अपने को बचाने के लिए जितने कम सुरक्षित मौके हैं वो देख कर हम हैरान रह गए।

थोड़ी बहुत महिलाओं जिन्होंने यौन हिंसा की शिकायतें दर्ज कराईं उन्होंने पाया कि तहकीकात और न्यायी तंत्र उनकी ज़रूरतों को पूरा करने के लिए पूरी तरह से अक्षम है। कई मामलों में पुलिस मुसलमान औरतों पर यौन हिंसा की अपराधी भी है और वही तहकीकात भी कर रही है। पूरी व्यवस्था इस प्रकार काम कर रही है जिससे यौन हिंसा के अपराध की गंभीरता को कम किया जा सके। कानूनी व्यवस्था के अधिकारियों जैसे पुलिस, सरकारी वकीलों और जजों के संघ परिवार से संबंधों से न्याय मिलने की संभावना और भी धूमिल हो गई है। गुजरात के अनुभव से जो पहले के मुकाबले बहुत अच्छी तरह से समझ में आया है वो यह है कि ऐसी परिस्थितियों में होने वाले अपराधों में गैरज़रूरी प्रमाणों की अनिवार्यता को हटा दिया जाना ज़रूरी है जिससे डॉक्टरी रिपोर्ट और पुष्टिकारक प्रमाणों के आभाव में तहकीकात पर रोक न लगे। पहले के यूगोस्लाविया और रवांडा के लिए बने तदस्थ ट्राईबुनल में बलात्कार और यौन हिंसा को युद्ध में हुए अपराधों और मानवता के खिलाफ हुए अपराधों के बराबर माना गया है। अंतर्राष्ट्रीय स्तर पर हुए इन सुधारों को देखते हुए इस तरह तहकीकात न हो पाने की स्थिति और भी अस्वीकार्य हो जाती है। इन सुधारों को और बृहद बना कर रोम स्टैटयूट ऑफ द क्रिमिनल कोर्ट में संहित कर लिया गया है।

इसके अलावा बहुत सी गवाहियों भाजपा, विहिप और बजरंग दल के नेताओं के गुजरात की हिंसा में सीधे सीधे शामिल होने या इसे भड़काने में हाथ होने की ओर इशारा करती हैं। उन सार्वजनिक हस्तियों को जवावदेह बनाना जिनके ऊपर प्रजातांत्रिक व्यवस्थाओं और मानवाधिकारों की सुरक्षा की जिम्मेदारी है, न्याय की खोज का एक महत्वपूर्ण हिस्सा है। पहले के यूगोस्लाविया और रवांडा के ट्राईबुनलों में यह जवाबदेही सुनिश्चित की गई है जहाँ सार्वजनिक अधिकारियों और जानेमाने व्यक्तियों के विरुद्ध मानवता के खिलाफ अपराधों और जनसंहार व यौन हिंसा भड़काने और उकसाने के लिए न केवल अभियोजन चला परन्तु उन्हें सजा भी हुई।

भारत सरकार के इस दावे के बावजूद कि सामान्य स्थिति बहाल हो गई है, अपने दौरे के दौरान हमनें देखा कि हिंसा तब भी जारी थी, इससे मुसलमान समुदाय पूरी तरह से अलग थलग पड़ गया है और उन्हें ऐसा संदेश मिल रहा है कि भारत में आज उनकी कोई जगह नहीं है। अपने गाँवों पर हुए हमलों के कारण विस्थापित हुए बहुत से मुसलमान अपने गाँव वापस नहीं जा पा रहे, काम नहीं कर पा रहे, अपने बच्चों को स्कूल या खेलने नहीं भेज पा रहे, और गहरी शारीरिक और मानसिक असुरक्षा की हालत में जी रहे हैं। कई जगहों पर मुसलमान लोग आर्थिक बायकोट का भी सामना कर रहे हैं जबकि दावा ये किया जा रहा है कि ऐसा नहीं है।

आपराधिक न्याय प्रणाली हिंसा के शिकार लोगों को न्याय दिला पाने में पूरी तरह से असफल रही है। एक तरफ अपराधी सज़ा से बच कर खुले घूम रहे हैं तो दूसरी तरफ सैंकड़ों मुसलमान झूंठे आरोपों में जेलों में बंद हैं। राज्य आज भी मुसलमान नागरिकों की जिंदा रह पाने, पुनर्वास और पुनर्स्थापन की ज़रूरतों के संबंध में अपनी ज़िम्मेदारियों से बच रहा है। राज्य ने यह सब पूरी तरह से गैरसरकारी संगठनों और चैरिटी संस्थाओं के ऊपर छोड़ दिया है। एकल औरतों, विधवाओं और परिवारों की महिला प्रमुखों की समस्याओं पर, खास कर वहाँ जहाँ घर परिवार चलाने की पारंपरिक व्यवस्थाएं टूट गई हैं, कोई ध्यान नहीं दिया जा रहा है।

चुनावों के बाद जबकि उन सभी क्षेत्रों में भाजपा जीत गई है जहाँ ज़्यादा हिंसा हुई थी, मुसलमानों को लगने लगा है कि उनके लिए न्याय और प्रतिनिधित्व के सारे रास्ते बंद हो चुके हैं। चुनाव परिणामों से यह और भी पक्का हो गया है कि हिंसा करने वाले और उसमें शामिल लोगों के खिलाफ कोई भी कानूनी कार्यवाही नहीं होगी। उनके इस तरह और अधिक ताकतवर हो जाने से मुसलमान समुदाय का डर और अधिक बढ़ा है। चुनावों के बाद के भाषणों और व्यक्तव्यों द्वारा उन सब को भी धमकियाँ मिली हैं जिन्होंने गुजरात में मुसलमान समुदाय की स्थिति पर ध्यानाकर्षित करने की कोशिश की। कहा जा रहा है कि ये लोग 'छद्म धर्मनिरपेक्ष' हैं जो गुजरत की छवि खराब कर रहे हैं। उदाहरण के लिए हम प्रवीण तोगड़िया का व्यक्तव्य यहाँ दे रहे हैं, "हिन्दुत्व के सभी विरोधियों को मृत्युदंड मिलेगा और हम इसे क्रियान्वित करने का काम लोगों पर छोड़ देंगे (हिन्दू, 18 दिसम्बर, 2002)"। ऐसे व्यक्तव्यों से गैरसरकारी संस्थाओं, सामुदायिक नेताओं और प्रगतिशील प्रचार माध्यमों में यह डर और असुरक्षा की

बहुत सी गवाहियाँ भाजपा, विहिप और बजरंग दल के नेताओं के हिंसा में सीधे शामिल होने की ओर इशारा करती हैं।

मुसलमानों के खिलाफ आर्थिक बहिष्कार जारी है।

कई गावों में महिला कार्यकर्ताओं को धमकाया जा रहा है।

भावना आती है कि अगली बार उन्हें निशाना बनाया जाएगा। कई एक गाँवों में महिला कार्यकर्ताओं से कहा गया है कि 'हमें पता है कि आप कहाँ रहती हो, हमें पता है कि आप अकेले खेतों में जाती हो, जो मुसलमान औरतों के साथ हुआ वो आपके साथ भी हो सकता है।' इस तरह के नफरत फैलाने वाले प्राचार को सहना भी नैतिक अपराध है। इस प्रकार कनवेशन अगेंस्ट जीनोसाइड और अंतर्रा ट्रीय कोवेनेंनट ऑन सिविल एंड पोलिटिकल राईट्स के तहत किसी समुदाय के खिलाफ नफरत फैलाने को रोकने के लिए तय किये गए राष्ट्रीय और अंतर्राष्ट्रीय मानकों की जानबूझ कर की जा रही अवहेलना है। ध्यान रहे कि भारत ने भी इन दोनों पर हस्तक्षार किए हुए हैं।

अपने दौरे के बाद हमने पाया कि सबसे ज़रूरी है कि गुजरात में हिंसा के शिकार लोगों को व्यक्तिगत और सामूहिक स्तर पर कानूनी और सामाजिक न्याय दिलवाना और उनकी सुरक्षा सुनिश्चित करना।

हम राज्य और उसकी मशीनरी को लोगों को न बचा पाने और उनके साथ हुए अन्याय की क्षतिपूर्ति न पाने के लिए दोशी ठहराने के साथ साथ भारत के सभी लोगों और नागरिक समाज का आह्वान करते हैं कि वो इस जनसंहार की इस योजना के प्रमुख हथियार यानि डर और नफरत के अभियान को असफल बनाने में सक्रियता से शरीक हों। राज्य के स्तर पर, सरकारी स्तर पर और गैरसरकारी स्तर पर भारत में चल रही जनसंहार की इस योजना की अंतर्राष्ट्रीय समुदाय द्वारा भर्त्सना की जानी चाहिए और भारत सरकार पर दबाव डालना चाहिए कि वो भारत में मानवाधिकारों और जनतांत्रिाक सिद्धांतों की रक्षा के लिए कार्य करे।

भारत सरकार के द्वारा क्या कुछ किया जाना बेहद ज़रूरी है :

❖ गुजरात के मुसलमानों के लिए भारत के संविधान में सभी नागरिकों को मिले हुए जीवन और सुरक्षा के अधिकार की बहाली की जाए।

❖ अंतर्राष्ट्रीय मानकों के अनुसार गुजरात के मुसलमानों के सामाजिक, आर्थिक, सांस्कृतिक और राजनैतिक अधिकारों की बहाली और रक्षा।

❖ विशेष स्वतंत्र न्यायालय स्थापित किया जाए और विशेष अभियोजनकर्ता और बाकी कर्मचारी नियुक्त किए जाएं जिनका सांप्रदायिक संगठनों से कोई गठजोड़ न हो। इस न्यायालय को यह अधिकार हो कि वो गुजरात में हुए अपराधों को अंतर्राष्ट्रीय परंपरागत कानूनी मानकों (जिनमें अंतराष्ट्रीय बलात्कार और यौन हिंसा के खिलाफ मानक भी शामिल हों) के अनुसार मानवता के खिलाफ अपराधों और जनसंहार के रूप में देख सके।

❖ यौन हिंसा के सभी मामलों की जांच हो, उनकी भी जहाँ महिला को मार दिया गया हो, बलात्कार की परिभाषा को बृहद बनाया जाए जिसमें लिंग भेदन के अलावा अन्य तरीकों से भेदन को भी इसमें शामिल किया जा सके, भुक्तभोगी महिलाओं की गवाही के साथ में डॉक्टरी और परिपोषी प्रमाणों की अनिवार्यता को खतम किया जाए और महिला के चरित्रा और यौनिक शुद्धता संबंधी प्रमाणों को साक्ष्य न माना जाए।

❖ गुजरात में इस पूरे जनसंहार की योजना बनाने और अर्द्धसैनिक बलों के इस्तेमाल जैसे तरीकों द्वारा अल्पसंख्यकों का उत्पीड़न जारी रखने और उनके खिलाफ नफरत फैलाते रहने के लिए जिम्मेदार विहिप, आरएसएस, भाजपा, बजरंग दल, शिवसेना और इनसे जुड़े अन्य संगठनों, अधिकारियों और व्यक्तियों के खिलाफ तहकीकात, अभियोजन व कार्यवाही की जाए।

❖ मुसलिम समुदाय के आर्थिक बायकॉट, उनके खिलाफ अन्य आर्थिक प्रतिबंध लगाने के लिए ज़िम्मेदारों को गैरकानूनी करार दिया जाए।

❖ सर्वोच्च न्यायालय को उन सभी नागरिक हित याचिकाओं पर तुरंत सुनवाई करनी चाहिए जो न्यायालय में लंबित हैं, सभी बड़े मामलों में सीबीआई की जांच के आदेश देने चाहिए और रा ट्रीय मानवाधिकार आयोग के सभी सुझावों को तुरंत लागू किया जाए।



दिल्ली में हुए संवाददाता सम्मेलन को संबोधित करती पैनल की महिलाएं

'न्याय के लिए अंतर्राष्ट्रीय पहल' के पैनल में शामिल महिलाएं

विश्व भर की प्रेरणा देने वाली महिलाओं की आवाज़

रौंडा कौपेलोन न्यूयार्क स्कूल ऑफ लॉ में कानून की प्रौफेसर हैं, इंटरनेशनल वीमेन्स ह्यूमन राइट्स क्लीनिक की निर्देशिका हैं। वे वीमेंस काकास फॉर जैंडर जस्टिस की सदस्या भी थीं जिसने पहले के यूगोस्लाविया और रवांडा में लिंग आधारित हिंसा को उत्पीड़न और जनसंहार के रूप में मान्यता दिलाने के लिए इंटरनेशनल क्रिमिनल कोर्ट पर प्रभाव डाला। वे मानवाअधिकार का हनन करने वालों के खिलाफ यूएस एलिएन टोर्ट क्लेम्स एक्ट के तहत कई बड़े मामलों में वकील भी रही हैं। "पूरे विश्व भर में महिलावादी वकालत के फलस्वरूप यूगोस्लाविया और रवांडा में अंर्तराष्ट्रीय ट्राईबुनल ने बलात्कार को उत्पीड़न, जनसंहार की कार्यवाही और मानवता के खिलाफ अपराध का दर्जा दिया। हांलाकि भारत इंटरनेशनल क्रिमिनल कोर्ट के अधिकार क्षेत्रा नहीं है, यह एक तरीका तो है ही जो गुजरात के मामले में या कानून में सुधार की वकालत के लिए इस्तेमाल किया जा सकता है।"

गैबरीएला मिसकोस्की एक इतिहासकार हैं। वे मैडिका मोनडिआले जर्मनी की सह संस्थापक हैं, जिसने युद्ध से भयभीत बोसनिया – हरज़ेगोवनिया, कोसोवो, अलबेनिया और अफगानिस्तान की महिलाओं को चिकित्सीय और मनोवैज्ञानिक सहारा देने का काम किया। इन्होंने पहले के यूगोस्लाविया के फोका ट्रायल की निगरानी की और इसको विस्तार से लेखाबद्ध किया, इस ट्रायल में यौन हिंसा और गुलाम बनाए जाने पर काम हुआ था। उन्होंने ज़ोर दिया कि "युद्ध में बलात्कार का प्रतिरूप और काम अलग होता है और गुजरात में यह साफ साफ हिन्दुओं के पुरुषत्व को मान लिए गए खतरे से जुड़ा था। इसलिए गुजरात में बलात्कार, महिलाओं और यौनिकता का इस तरह से एकदम केन्द्र में होना काफी महत्वपूर्ण है।"

नीरा युवाल – डेविस यूनिवर्सिटी ऑफ ईस्ट लंदन में लिंग और नस्ल संबंधी शिक्षण में प्रौफेसर हैं। वे इंटरनेशनल सोशियोलोजिकल ऐसोसिएशन में नस्ल संबंधी, वंश और अल्पसंख्यक संबंधों के लिए बनी शोध समिति की अध्यक्ष हैं। वे अपने को डिआस्पोरिक इसराइली यहूदीवाद विरोधी यहूदी कहती हैं। उन्होंने राष्ट्रीयता, वंशवाद, नागरिकता और लिंग संबंधों पर बहुत कुछ लिखा है और वे वीमेन अगेनस्ट फंडामेंटलिज़म की संस्थापक सदस्या हैं। उनका कहना कि "समाजशास्त्रियों को लिंग, यौनिकता और नस्लवाद के पारस्परिक संबंधों पर ध्यान देना चाहिए।" ऐसा उन्होंने गुजरात में महिलाओं के ऊपर आज भी उन्हीं लोगों, जिन्होंने उन पर बलात्कार किये थे, द्वारा जारी हिंसा और अपमान और गर्भवती महिलाओं से ये उनके बलात्कारियों द्वारा ये कहा जाने कि "हम तुम्हारे अंदर हिंदू पैदा कर देंगे" आदि को ध्यान में रखते हुए कहा।

अनीसा हैली – इंगलेण्ड के वीमेन लिविंग अंडर मुसलिम लॉ, के अंतर्राष्ट्रीय कार्यालय की संयोजक हैं। विश्व में धर्म संबंधित अधिकारों के बढ़ते हुए संदर्भ में यह अंतर्रा ट्रीय नेटवर्क सैन्यीकरण, यौनिक अधिकारों और कट्टर पंथ, यानि कि धर्म, नस्लवाद और संस्कृति का इस्तेमाल राजनैतिक सत्ता हासिल करने के लिए किया जाना के मुद्दों पर काम कर रहा है। अनीसा ने ज़ोर देकर कहा कि "जब राज्य अपनी ज़िम्मेदारियों से पीछे हट जाता है और एक समुदाय इस तरह कमज़ोर पड़ जाता है, तो यह महिलाओं के लिए आगे के लिए खतरे की घंटी है। गुजरात में हमें अभी से ही लड़कियों को कम शिक्षित करने और जर्बदस्ती उनकी शादी किए जाने की प्रक्रियाएं होती दिखाई देनी शुरु हो गई हैं। औरतों के घूमने फिरने और उनकी स्वतंत्रता में भी कमी आई है।"

सुनीला अब्यासेकारा इनफॉर्म की निर्देशिका हैं। इनफॉर्म कोलंबो, श्रीलंका में मानवाधिकारों के दस्तावेजों का एक केन्द्र है, जो श्रीलंका में चल रही शांति प्रक्रिया की निगरानी में लगा है। उन्होंने कहा "हमने चुनावों के नतीजों के बाद लोगों को बदलते हुए देखा है। यह एक बहुत ही भयानक समय था, जिसका अर्थ था कि सभी आखरी जनवादी विकल्प अब खतम हो गए हैं। आगे के लिए महत्वपूर्ण चुनौती यह है कि गुजरात में सामाजिक आंदोलन समुदायों के बीच की खाई को भरने के लिए साथ क्यों नहीं आ रहे। श्रीलंका में हमने बीस साल तक संघर्ष किया और केवल अब हम वहाँ अंतर्जातीय आदान प्रदान आयोजित करने की सोच सकते हैं। इसकी पहल औरतों ने की है – उन माँओं ने जिनके बच्चे खो गए थे उन सैनिको की माँओं के साथ मिल कर जो लिट्टे द्वारा मारे गए थे।"

वाहिदा नैनार वीमेंस कौंकॅस फॉर जैंडर जस्टिस के विकास केंद्र की निर्देशिका हैं। यह एक नैटवर्क है जिसने इंटरनेशनल क्रिमिनल कोर्ट की प्रक्रियाओं में न्याय की मशीनरी की भाषा को प्रभावित करके लिंग के दृष्टिकोण से दखल दिया। आवाज़–ए–निसवान, मुंबई, के साथ ज़मीनी कार्यकर्ता के रूप में काम शुरु करने के बाद उन्होंने वीमेंनस राइट्स एक्शन ग्रुप की स्थापना की और चार साल उसका निर्देशन किया, इस समय में उन्होंने देश भर में मुसलमान समाजों में औरतों और कानून का अध्ययन किया।

फराह नकवी एक स्वतंत्र लेखिका हैं। वे महिलाओं, जनतंत्र और विकास के मामलों में सलाहकार हैं। वे दिल्ली में निरंतर नामक महिला संगठन की संस्थापिका हैं जो कि ग्रामीण महिलाओं के साथ काम करता है। वे एक टैलिविज़न की पत्रकार हैं जो कि विश्व की राजनीति में औरतें और इसलामिक समाज में औरतों के ऊपर रेखाचित्र बनाती हैं। वे मार्च 2002 से गुजरात के मुद्दे पर काम कर रही हैं और वे गुजरात जनसंहार के महिलाओं पर असर के ऊपर बनी पहली जांच रिपोर्ट 'सर्वाइवरस स्पीक' का हिस्सा भी थीं। उनका कहना था कि "सिर्फ इसलिए कि गुजरात में चुनाव हो गए, इसका अर्थ यह नहीं है कि हमारा 'महान लोकतंत्र' उतना आकर्षक है जितना कि बताया जाता है। इस दर से तो सिर्फ बहुसंख्यकवाद हर अल्पसंख्यक समूह को लगातार डरा कर रखेगा और अंततः मिटा देगा।"

उमा चक्रवर्ती एक नारीवादी इतिहासकार हैं जो कि जनवादी अधिकारों के आंदोलनों और महिला आंदोलनों के साथ जुड़ी हैं। 1984 से वे दंगों की जांच पड़ताल में भी जुड़ी रही हैं। हाल ही में उन्होंने गुजरात में आपराधिक मामलों की स्थिति और दंगे के शिकार लोगों के पुनर्वास संबंधित पीपल्स यूनियन फॉर डैमोक्रेटिक राइट्स के जांच मिशन में भी भाग लिया। उनका कहना है कि "यह ध्यान रखना चाहिए कि अन्य तरह के अंतर्विरोधों के विपरीत गुजरात में बलात्कार पूरी तरह से सार्वजनिक नज़ारा था – इस तरह से एक पूरे समुदाय के इस गुनाह में शामिल होने पर सवाल खड़े होते हैं।"

मीरा वेलायुदन एक इतिहासकार हैं। और वो अभी इंस्टीटयूट फॉर एनवायरनमेंटल एंड सोशल कनसर्न, कच्छ के साथ काम कर रही हैं। उनकी माँ देश की पहली दलित स्नातक महिला थीं और कांस्टिटुएंट असैंबली, जिसने भारत का संविधान बनाया, की ग्यारह महिला सदस्यों में से एक थीं। उन्होंने कहा कि "यह पहली बार है जबकि दलित, आदिवासी और हिन्दू औरतों ने इतनी बड़ी संख्या में सक्रियता से दंगे में हिस्सा लिया।" उन्होंने "हिन्दुओं के इतने बड़े स्तर पर एकजुट हो जाने और इसके अन्य समुदायों पर असर" पर गहरी चिंता व्यक्त की।

❖ रोम के इंटरनेशनल क्रिमिनल कोर्ट के अधिनियमों को स्वीकार करें और आंतरिक कानूनों में संकटकाल और बिना संकटकाल की परिस्थितियों में जहाँ भी संभव हो इसके प्रावधानों को शामिल करे।

❖ नरसंहार और राज्य की जिम्मेदारी की जांच के लिए अंतर्राष्ट्रीय मिशन, जिसमें यूनाईटिड नेशन के खास संवक्ता शामिल हों, को बुलाए और उन्हें जांच की सुविधाएं दे, ताकि इसे रोका जा सके और गुनहगारों को सजा मिल सके।

❖ मुआवज़ा देने और इसके अलावा और सहायता और राहत देने की अपनी ज़िम्मेदारी को राज्य स्वीकार करे और राहत की राशि के बंटवारे में पारदशिता हो।

❖ समग्र स्वास्थ्य सेवाएं उपलब्ध करे, जिसमें आघात से जूझने के लिए परामर्श दिए जाने की सुविधाएं भी हों और उन सभी को सहायता दी जाए जो हिंसा के शिकार हुए हैं।

❖ स्कूल, कॉलेज और अन्य शिक्षा संस्थानों की किताबों में ऐतिहासिक तथ्यों को को तोड़ मरोड़ कर पेश किया जाना रोका जाए और सांप्रदायिक और भेदभाव वाले हवालों को हटाए।

❖ गुजरात में अंतर्धार्मिक और अन्य तरह की मिली–जुली शादियों पर निगरानी रखने वाली गुजरात स्पेशल सैल को तुरंत बंद करे।

❖ मानव अधिकारों और महिलाओं के अधिकारों की रक्षा के लिए प्रयत्न करने वालों, स्वतंत्र और धर्मनिरपेक्ष गैरसरकारी संस्थाओं जो कि मानवाअधिकारों के लिए और भेदभाव के खिलाफ काम कर रहे हैं, की सुरक्षा सुनिश्चित करे।

अंतर्राष्ट्रीय समुदाय द्वारा क्या किया जाना बेहद ज़रूरी है :

❖ जनसंहार चेतावनी घोषित करें।

❖ जनसंहार और मानवता के खिलाफ अपराधों के खिलाफ अंतर्राष्ट्रीय कानूनों के तहत कार्यवाही की बाध्यता को पूरा करने के लिए विश्वक अधिकार क्षेत्र का इस्तेमाल करें।

❖ हिन्दुत्व के अजेंडा को समर्थन व सहायता देने वाली सभी संस्थाओं को मिले पुण्यार्थ संस्थानों के दर्जे को और उन्हें टैक्स में मिली छूट को चुनौती दें।

❖ अल्पसंख्यक समाज के जनसंहार को भड़काने व क्रियान्वित करने में शामिल होने और मानवता के खिलाफ अपराधों में हिस्सा लेने वाली संस्थाओं को मिलने वाली राशि की जांच हो और उसे रोका जाए।

आज गोधरा में 131 मुसलमानों के खिलाफ साबरमति एक्सप्रैस के एस – 6 कोच को जलाने, जिसमें 57 मुख्यतः हिन्दू पुरुष, महिलाएं और बच्चे मारे गए थे, के आरोप में पोटा (प्रिवेंशन ऑफ टैररिज़म एक्ट) के तहत आरोप पत्र दाखिल हो गया है। परन्तु मुसलमान औरतों के खिलाफ यौन हिंसा के ढ़ेरों प्रमाणों के बावजूद गुजरात के न्यायालयों में सिर्फ तीन मामले चल रहे हैं; मुसलमानों के खिलाफ बड़े स्तर पर हो रहे आर्थिक बायकॉट के बावजूद कोई कार्यवाही नहीं की जा रही; बड़ी तादाद में मुसलमानों की संपत्ति और जीविका के नुकसान के बावजूद नाममात्र का मुआवज़ा दिया जा रहा है; दंगों, लूटमार, जलाने की सबसे अधिक बड़े स्तर पर फिल्में बनने और टेलिविज़न पर दिखाए जाने के बावजूद राज्य गुनहगारों के खिलाफ एक भी मामला दर्ज करने में असफल रहा है! ऐसे में यह बहुत ज़रूरी है कि 'न्याय के लिए अंतर्राष्ट्रीय पहल' जैसी कोशिशें गुजरात 2002 की कहानी को कम से कम ज़िंदा तो रखें, उस चुप्पी को तो तोड़ें जो इसकी गंभीरता पर हावी हो गई है, इसके शिकार नागरिकों को न्याय और मुआवज़ा मिले इसके लिए दबाव बनाए रखें और बढ़ाएं। बहुसंख्यकों की इस सांप्रदायिकता और अल्पसंख्यकों के खिलाफ इस जघन्य अपराध को मिली आम स्वीकृति से निपटने के लिए अपनी मिली जुली क्षमता को और बढ़ाएं।



अन्तर्राष्ट्रीय समुदाय द्वारा तुरन्त जनसंहार चेतावनी की घोषणा की जानी चाहिए/

स्थिति सामान्य और नियंत्रण में है !

चुनाव परिणामों के दौरान गोधरा का आँखों देखा हाल



ऑक्सफोर्ड अंग्रेज़ी शब्दकोश में 'सामान्य स्थिति की परिभाषा है : [1] 'एक मानदंड के अनुरूप, नियमित, हमेशा की तरह, व्यवस्थित। [2] मानसिक या भावनात्मक अव्यवस्था से मुक्त'। देश भर में हाल में हुए विधान सभा चुनावों के संदर्भ में, गुजरात में चुनाव के फौरन बाद जो सामान्य स्थिति बहाल थी उस पर एक नज़र डालना अच्छा होगा।

गुजरात में न्याय हेतु अंतर्राष्ट्रीय पहल के दल के साथ सहेली की एक सदस्य स्वयंसेवी की हैसियत से दिसम्बर के मध्य में पंचमहल गयी थी। मतदान खत्म हुआ ही था। हवा में उम्मीद की गंध थी। अगली सुबह से नतीजे आने थे।

गुजरात में सांप्रदायिक हिंसा से ग्रस्त महीनों में पंचमहल सबसे बद्तर रूप से प्रभावित रहा था। हर जगह हम ऐसी औरतों से मिले जिनकी ज़िंदगियां तबाह हो चुकी थीं। घर लूटे और जलाये जा चुके थे, पति और बच्चे मार दिये गये थे, रोज़गार नष्ट हो चुके थे। वे खुद पिटी हुई, घायल, अपमानित और अक्सर नृशंसता से यौनिक हिंसा का शिकार हुई थीं। आप जानते हैं वहां क्या हुआ। या कम से कम आपको लगता है कि आप जानते हैं जब तक कि हर औरत आपको एक दास्तान सुनाने लगती है जिसे सुनने की हिम्मत आप में नहीं होती। उनके जीवन के तंतु तार तार हो चुके हैं, कोई घर नहीं है लौटने को, अपनी बदहाल ज़िंदगियां फिर बुनने की कोई आज़ादी नहीं। 'हम लौट कर जायेंगे या नहीं यह कल पर निर्भर है'...'केस के बारे में कल के बाद सोचेंगे', एक के बाद एक औरत ने हमसे यही कहा। जो धमकियां और ज़िल्लत झेलते हुए जीने के लिए अपने गांवों में रह गयी थीं या वहां लौट गयी थीं उनका कहना था, 'हमें पानी भरने दिया जायेगा या नहीं, अपने खेतों में जाने दिया जायेगा या नहीं, हमें कल के बाद ही पता चलेगा।' लेकिन कल के डर में हास्य का पुट भी था। एक युवक ने हमसे कहा, 'अगर काँग्रेस सत्ता में आयी तो वे झहिंसा काट एक दिवसीय अंतर्राष्ट्रीय खेल खेलेंगे, मगर भाजपा आयी तो हमें पांच दिवसीय टेस्ट मैच झेलना होगा।'

और फिर अगली सुबह केसरिया सूरज उगा। भाजपा की शानदार जीत के नतीजे जैसे जैसे आते गये ज़िले में विजय के नगाड़े बजने लगे। नरेन्द्र मोदी के मदमस्त समर्थक गोधरा में विजय यात्रा निकालें इससे पहले ही मुसलमान परिवार गांव छोड़ भागने लगे थे। इधर गर्वोन्मत, पुनः निर्वाचित मुख्य मंत्री टेलिविज़न पर दहाड़ रहे थे कि अंग्रेज़ी मीडिया और धर्मनिरपेक्षतावादियों ने गुजरात को बिना कारण बदनाम किया था, उधर हज़ारों केसरी वस्त्रधारी वड़ोदरा-हलोल हाईवे के दोनों तरफ जमा हो गये। ट्रकों और टेम्पो में ठसाठस लद कर इन्होंने अपनी विजय और इस विजय को हासिल करने के तरीके का जश्न मनाने के लिये यात्रा निकाली। उन्होंने सरेआम लूटपाट, हत्या और बलात्कार करना कबूल किया और धमकियां दीं कि आगे यही सब होगा। सबसे जघन्य अपराध के इस निर्लज्ज जश्न में, हवा में मुस्लिम औरतों के साथ यौन हिंसा की धमकियां गूंजने लगीं। और पूरा समय नई दिल्ली कहती रही कि गुजरात में सब ठीक है। जब हम क्षेत्र में तनाव की रपटें लेकर गोधरा के ज़िला पुलिस आयुक्त के पास दौड़े दौड़े गये तो उन्होंने पलक झपकाये बिना कहा, 'मुझे समझ नहीं आता कि आप सब लोग इतना चिंतित क्यों हैं।' वड़ोदरा में 'इक्का दुक्का' घटनाओं को छोड़ कर, गुजरात में अमन लौट आया था। चुनावों की 'अच्छी निगरानी' की गयी थी। 'सामान्य स्थिति' बहाल की जा चुकी थी।

लेकिन भाजपा सरकार की पुनर्स्थापना के साथ ही पंचमहल [और बाकी गुजरात] में सबको साफ हो गया था कि इंसाफ के सारे रास्ते बंद हो चुके हैं। जब लोकतंत्र की तमाम संस्थाऐं लोगों के काम नहीं आतीं तो महज 'निष्पक्ष और मुक्त' चुनाव का क्या मतलब रह जाता है? पूछिये उन हज़ारों से जो अपने हमलावरों से घिरे बेघर और असुरक्षित रह गये; उन बच्चों से जो खेलने, स्कूल जाने को आज़ाद नहीं; उन पीड़ितों से, अपराधिक न्याय व्यवस्था जिनके काम नहीं आई; जिनकी शिकायतों को पुलिस लगातार विकृत करती है, और जिनकी ओर प्रशासन ने अपनी आँखे मूंद रखी हैं।

जम्मू और कश्मीर में 44% मतदान, गुजरात में 62% मतदान। चुनाव प्रक्रिया में 'सामान्य' भागीदारी, ऐसा हमें बताया जाता है। राहत की सांस लो कि पुराने अध्याय बंद किये जा रहे हैं। जम्मू और कश्मीर में दो दशकों के खाड़कुवाद के बाद जनता ने 'नागरिकों की हैसियत से अपना फैसला सुनाया है।' महीनों तक भयानक खून खराबे के बाद गुजरात की जनता 'बोली है।' जनादेश गूंज रहा है। हमें 'जनैच्छा' को स्वीकार करना चाहिए।

नागालैंड में 'संप्रभुता' के लिए देश के सबसे पुराने संघर्ष के नेताओं के साथ वार्ता के दौरान अभी अभी चुनाव हुए। हिमाचल में चुनाव अभियान के मुख्य सितारे नरेन्द्र मोदी ने यहां की ज़्यादातर हिंदू आबादी के सामने 'मिंया मुशर्रफ' का भूत खड़ा किया इस आशा से कि 'आतंकवाद' अल्प विकास की समस्या से लोगों का ध्यान हटा देगा। और राजस्थान में भी लगता है कि लगातार चौथे साल सूखा और अकाल की स्थितियों में पिसने के बावजूद लोगों ने जैसे अपने भविष्य का 'फैसला' कर लिया है। यह है हमारी भूमि की, हमारे देश की, 'सामान्य स्थिति'। एक मानदंड के अनुरूप, नियमित, हमेशा की तरह, व्यवस्थित। 'मानसिक या भावनात्मक अव्यवस्था से मुक्त' होने का हमारा साझा अनुभव।



लिंग चुनाव का व्यवसाय
मुद्दे और चुनौतियाँ

इस वर्ष 17 जनवरी को राष्ट्रपति ने 1994 में पारित किए गये अप्रभावी विधेयक, प्रिनेटल डायग्नोस्टिक तकनीक [नियमन और दुरुपयोग पर रोक] एक्ट (पीएनडीटी), के संशोधन को स्वीकृति दे दी। अब इसे प्रीकन्सेपशन और प्रिनेटल (यानि कि गर्भ धारण के पहले और उसके बाद) डायगनोस्टिक तकनीक [लिंग चुनाव निषेध] एक्ट कहा जाता है।

इस कानून को प्रभावी रूप से लागू करने, उसके नियमन तंत्र को मज़बूत बनाने और उसका दायरा बढ़ाने वाले संशोधन, जिसका महिला समूहों और स्वास्थ्य कर्मियों को लम्बे समय से इंतज़ार था, का स्वागत हुआ है। लेकिन चिकित्सक समुदाय, जिन्होंने परिशोधन को रोकने की भरपूर कोशिश की थी, की प्रतिक्रिया काफी प्रतिकूल रही। गर्भ धारण से पहले लिंग चुनाव की उभरती एवं नवीनतम तकनीकों, जैसे शुक्राणुओं को अलग करना और उन्हें रोपने से पहले लिंग की जाँच करना, अधिनियम का उल्लंघन करने पर अधिक जुर्माना और उल्लंधन करने वालों के रजिस्ट्रेशन को समाप्त या निलंबित करने के अतिरिक्त प्रावधानों, इत्यादि को इस एक्ट के दायरे में लाकर, लिंग चुनाव सेवा प्रदान करने वाले चिकित्सक समुदाय, यानि कि लिंग चुनाव प्रथा की तथाकथित 'पूर्ति' करने वालों को सही मायने में लक्षित किया गया है। अल्ट्रासाउंड उपकरण के निर्माता अब उसे केवल रजिस्टर्ड क्लीनिकों/पंजीकृत चिकित्सालयों को ही बेच सकेंगे और अल्ट्रासोनोग्राफी करने वाले सभी डाक्टरों को ऐसे परीक्षणों का हिसाब-किताब रखना होगा।

डाक्टर : स्व-सुधार की संभावना ?

सार्वजनिक रूप से चिकित्सकों/डाक्टरों ने भी घोषणा की है कि वे लिंग चुनाव के खिलाफ हैं। नई दिल्ली में, मई 2002 में, एक बहु प्रचारित व प्रसारित आयोजन में फोगसी - फेडरेशन ऑफ आबस्टेट्रिशियन्स एण्ड गाइनोकोलॉजिस्टस् सोसायटी ऑफ इंडिया [प्रसूति व स्त्री रोग विशेषज्ञों की एक सोसायटी] ने सामूहिक रूप से शपथ ग्रहण की कि वे न तो लिंग चुनाव की सलाह देंगे और न ही उसके लिए परीक्षण करेंगे। जन-भलाई से प्रेरित व उत्साहित इन चिकित्सकों/डाक्टरों को मीडिया ने सुर्खियों में दिया। लेकिन जागरूकता बढ़ाना और प्रतिज्ञा लेना, उद्योग या व्यवसाय बन चुके उस पेशे पर कितने प्रभावी होंगें, यह गहरी शंका का विषय है। विशेषकर, स्वास्थ्य सेवाओं में पिछले दस सालों के बढ़ते निजीकरण की स्थिति व संदर्भ में यह चिंता का मुद्दा है।

इसके अलावा, जैसा कि सहेली, समा, जागोरी, निरन्तर, अखिल भारतीय जनवादी महिला संगठन, ज्वांइट विमेन्स प्रोग्राम व लायर्स कलेक्टिव ने अपने सामूहिक वक्तव्य में कहा 'यद्यपि यह प्रशंसा की बात है कि महिलाओं के यौन-संबंधी और प्रजनन अधिकारों के मुद्दे पर फोगसी जैसे मंच और सरकार ने आखिर सामाजिक पहल का महत्वपूर्ण कदम उठाया, लेकिन खेद की बात यह है कि इसके लिए उन्होंने धार्मिक नेताओं के साथ मिलकर काम करने की ठानी जबकि महिलाओं के प्रति उनकी प्रतिबद्धता पर सवालिया निशान लगा हुआ है। इसका मुख्य उदाहरण है उस मंच पर साध्वी रितंबरा की उपस्थिति। उनकी स्पष्ट सांप्रदायिक प्रवृत्ति जग जाहिर है। बाबरी मस्जिद के ढहाए जाने के अवसर पर मुस्लिम समुदाय के प्रति साम्प्रदायिक हिंसा भड़काने में उन्होंने महत्वपूर्ण व सक्रिय भूमिका अदा की थी।

आज भी वे दक्षिण पंथी संघ परिवार का प्रतिनिधित्व करती हैं जिसका एक घटक भाजपा, केंद्र और गुजरात में स्थापित है। और जिसके अन्य घटकों - वीएचपी, बजरंग दल व राष्ट्रीय स्वयं सेवक संघ, की गुजरात नरसंहार में मिली-भगत थी। उस नरसंहार में मुस्लिम महिलाओं व बच्चों के प्रति घिनौनी यौन हिंसा हुई थी। इसके बावजूद, ऐसे उपद्रवी राजनैतिक माहौल और गुजरात में जारी हिंसा के दौर में साध्वी रितंबरा को इस झ्फोगसीट मंच पर 'महिला सशक्तीकरण' के मुद्दे पर बोलने के लिए आमंत्रित किया गया।

पीएनडीटी एक्ट के पास होने के 8 वर्ष बाद, 2002 में मेडिकल काउंसिल ऑफ इंडिया, जिसे एक्ट के धारा 23 (2) के तहत् मेडिकल प्रेक्टिस के दुरुपयोग करने [इस संदर्भ में लिंग चुनाव के लिए इस्तेमाल] के खिलाफ कार्यवाही करने का अधिकार दिया गया है, ने 'मादा भ्रूण गिराने के प्रयोजन से' किए गए लिंग जांच परीक्षण को व्यावसायिक व्यभिचार माना। 6 अप्रैल, 2002 को भारतीय गज़ट में प्रकाशित इंडियन मेडिकल काउंसिल [व्यवसायिक आचार-व्यवहार व नैतिकता] नियमन, 2002 के अनुसार किसी 'उपयुक्त कारण' के बिना किए जाने वाले लिंग जांच परीक्षण के लिए संबंधित डाक्टर के खिलाफ कानूनी कार्यवाही की जा सकती है, जिसके तहत् उसका रजिस्ट्रेशन रद्द किया जा सकता है और उसे सज़ा भी दी जा सकती है।

जब नैतिक दृष्टि से गलत होने के साथ-साथ उस पर कानूनन रोक भी लगती है तो उसे लागू करने के तंत्र का महत्व और बढ़ जाता है। कानून की उपयोगिता को लेकर अक्सर अनेकों आशंकाऐं ज़ाहिर की जाती हैं क्योंकि कानूनों का उल्लंघन किया जा सकता है और साथ में भ्रष्टाचार का

मुद्दा भी जुड़ जाता है यानि लाइसेंस राज, पैसे देकर लाइसेंस बनवाया जा सकता है एवं रजिस्ट्रेशन रद्द होने से रोका जा सकता है। फिर भी महिला आंदोलन के कई अभियानों का आधार व केन्द्रबिंदु उपयुक्त कानून बनाने की मांग और गलत कामों व अपराधों के लिए सज़ा की मांग रहा है। हालांकि लिंग चुनाव की मांग का निदान सामाजिक सोच बदलना ही है, लेकिन यह एक लम्बी प्रक्रिया है जिसके परिणाम जल्दी नज़र भी नहीं आते। इस सामाजिक सच्चाई से भली भाँति परिचित होते हुए भी महिला आंदोलन में कानून बनाने व उन्हें लागू करने की मांग अभियान का महत्वपूर्ण हिस्सा क्यों रही है? शायद इसलिए कि तकनीक मुहैया कराने वालों के खिलाफ कार्यवाही करने के परिणाम तुलना में जल्दी दिखते हैं। साथ में यह संदेश भी जाता है कि यह तकनीक व तरीका स्वीकृत नहीं है। दूसरी ओर चिकित्सीय पेशे, स्वास्थ्य की देखभाल करने वाले उद्योग पर जागृति व नैतिक दबाव के ज़्यादा असर होने की संभावना कम ही है। कानून का उल्लंघन करने वालों के साथ सख्ती से पेश आए बिना इस दिशा में सफलता की संभावना कम ही है।

क्या डाक्टर स्व-नियमन करेंगे?

क्या डाक्टरों से स्व-नियमन की आशा की जा सकती है? फोरम फॉर मेडिकल एथिक्स [चिकित्सीय नैतिकता मंच] के सक्रिय कार्यकर्ताओं को ऐसा नहीं लगता क्योंकि मेडिकल काउंसिल ऑफ इंडिया ऐसी गलत प्रैक्टिस करने वालों के बचाव में ट्रेड यूनियन इकाई की तरह काम करती है। मेडिकल काउंसिल की आचरण संहिता के तहत् दंडनीय अपराध होते हुए भी उसमें बचाव की काफी गुंजाइश रह जाती है। उसमें कहा गया है कि यदि लिंग जांच परीक्षण 'मादा भ्रूण गिराने के प्रयोजन से' और बिना 'उपयुक्त कारण' से किया गया है तभी इसे अपराध माना जाएगा। डाक्टर के सही इरादे पर कौन सवाल उठाएगा? लेकिन 'बिना किसी इरादे या प्रयोजन' के लिंग जांच किए जाने वाली बात गले से नहीं उतरती। अभी से ही इस बात के काफी सबूत मिल रहे हैं कि डाक्टर इस संहिता व कानून के उल्लंघन के तरीके निकाल रहे हैं। उदाहरण के लिए हरियाणा में जब अल्ट्रासाउंड परीक्षण किए जाने के कारण को स्पष्ट रूप से बताने को कहा जाता है तो वे मादा भ्रूण के मामले में कारण 'गर्भजल की कमी' या 'असामान्य भ्रूण' बताते हैं। परीक्षण कराने वालों को इसका मतलब साफ हो जाता है। नर-भ्रूण के मामले में कहा जाता है कि सब ठीक ठाक है।

संशोधन के बावजूद एक्ट में मेडिकल प्रेक्टिस के मौजूदा व्यवसायिक रूप की ओर बिल्कुल भी ध्यान नहीं दिया गया। १९९० दशक की शुरुआत से ही अनेक सामाजिक समूहों/सक्रिय कार्यकर्ताओं ने ऐसे परीक्षणों को सरकारी अस्पतालों तक ही सीमित रखने की मांग उठाई थी। लेकिन इसके विपरीत इन तकनीकों का 'नियमन' दरअसल निजी क्षेत्र के विस्तार को मान्यता प्रदान करता है जिसके फलस्वरूप उसके द्वारा तकनीक के दुरुपयोग का अंदाज़ा लगाना कोई मुश्किल बात नहीं।

अगर मेडिकल तकनीकों का प्रसूति एवं स्त्री रोग विशेषज्ञों द्वारा अंधाधुंध इस्तेमाल का ठीक से निरीक्षण नहीं किया जाएगा तो लिंग चुनाव रोक पाना लगभग असंभव है। डाक्टरों को इससे उनकी प्रेक्टिस पर प्रतिकूल असर पड़ने व अल्ट्रासाउंड को एक महत्वपूर्ण औज़ार बताने के दावों को साबित करने के लिए और ठोस सबूत पेश करने होंगे। यह अपोलो अस्पताल, दिल्ली के चिकित्सीय विशेषज्ञों का मानना है। स्त्री रोग विशेषज्ञ पुनीत बेदी का 'कॉक्रेन डेटाबेस' नामक मेडिकल शोध की ताज़ा रिपोर्ट के आधार पर कहना है कि प्रसूति में अल्ट्रासाउंड ज़रूरी ही है, यह कहना ठीक नहीं है। 'इस बात का कोई सबूत नहीं है कि अल्ट्रासाउंड के कारण माता या भ्रूण की सेहत बेहतर हुई हो। और यह परीक्षण बिल्कुल सही ही हों यह भी ज़रूरी नहीं क्योंकि यह केवल निरीक्षण करने वाले पर निर्भर करता है।'

इस से ज़्यादा चिंता का विषय है इसके खतरों के बारे में सही जानकारी का न होना। कुछ अध्ययनों से पता चलता है कि बार बार अल्ट्रासाउंड और गर्भपात करवाने और जन्म के समय बच्चों के कम वजन और समय से पहले गर्भ के दर्द होने के मुद्दों में आपसी संबंध हैं। फिर भी जैसा कि बेदी का कहना है कि प्रसूति विज्ञान के इतिहास में बिना स्पष्ट प्रमाण के इस तकनीक को इतने बड़े पैमाने पर स्वीकृति मिलना अपने आप में एक मिसाल है। अनुमानतः संयुक्त राज्य अमेरिका में अल्ट्रासाउंड पर हर वर्ष एक बिलियन [एक अरब] डालर खर्च किया जाता है और भारत में यह पांच बिलियन रुपयों का उद्योग है। कोई आश्चर्य की बात नहीं कि हर गैराज व शेड में अल्ट्रासाउंड क्लीनिक खुल रहे हैं। इसमें ज़रा भी शक नहीं कि यह तकनीक बेटे को तरजीह व बेटी के विलुप्त होने को बढ़ावा दे रही है। एक अनुमान के अनुसार देश में बीस मिलियन (200 लाख) लड़कियां लिंग जांच परीक्षण के कारण गायब हो चुकी हैं। लेकिन सज़ा एक भी डाक्टर को नही मिली। इससे पहले कि और 200 लाख लड़कियां गायब हो जाएं, इस तकनीक को मुहैया करवाने वालों को नैतिक और कानूनी रूप से ज़िम्मेदार ठहराया जाना अत्यंत आवश्यक है।



नया कानून वर्तमान मेडिकल प्रैक्टिस के व्यावसायिक रूप को नहीं पहचानता

इराक़ पर हमले के विरुद्ध आवाज़ें

दुनिया के इतिहास में इराक़ ऐसा देश है जिसने महान लोकतांत्रिक अमरीकी सरकार की सहानुभूति पाई है, जो उसे अपने क्रूर तानाशाह से बचाना चाहती है (हालांकि इराक़ को भूल जाना चाहिए कि उस तानाशाह को किसने उसका नेता बनाया)। और दुनिया को अमरीका का आभार मानना चाहिए कि अमरीका ने उसे उन हथियारों से बचाया, जिसके होने का कोई सबूत इराक़ में नहीं मिला। इतने बड़े कारनामे करने के लिए हम जार्ज बुश को ध न्यवाद देना चाहते हैं, जिस के लिए हमने यह पत्र, जो आधुनिक कवि पाऊलो कोऐलहो द्वारा लिखा गया है, को इस न्यूज़लेटर में शामिल किया है।

धन्यवाद, प्रेसीडेंट बुश
पाऊलो कोएलहो (11/3/2003)

धन्यवाद, ओ महान नेता जार्ज डब्ल्यू बुश

धन्यवाद, यह दिखाने के लिए कि सद्दाम कितना बड़ा ख़तरा है। हममे से कई लोग वैसे तो यह भूल ही जाते हैं कि उसने अपने ही लोगों, कूर्दों और इरानियों के ख़िलाफ़ रासायनिक हथियारों का इस्तेमाल किया। सद्दाम एक ख़ून का प्यासा तानाशाह है और आज की दुनिया में दुष्टता का सबसे साफ़ प्रतीक है। मगर मेरे धन्यवाद की केवल यह वजह नहीं है। 2003 के पहले दो महीनों में आपने दुनिया को कई महान कार्य दिखाए हैं, इसलिए मैं आपका आभारी हूँ। इसलिए, बचपन में सीखी एक कविता को याद करते हुए मैं आपको धन्यवाद देता हूँ।

धन्यवाद, सबको यह दिखाने के लिए कि तुर्की और उनकी संसद बिकाऊ नहीं है, 2600 करोड़ डालर के लिए भी नहीं। धन्यवाद, दुनिया को बताने के लिए कि सत्ताधारियों के फ़ैसलों और लोगों की इच्छाओं के बीच कितनी गहरी खाई है।

यह स्पष्ट करने का धन्यवाद कि होज़े अज़नार और टोनी ब्लैर को जो वोट मिले है, उन्हें न तो उनकी क़दर है और न ही लिहाज़। अज़नार में बिलकुल यह क्षमता है कि वह इस तथ्य को नकार दे कि 90% स्पेन की जनता जंग के ख़िलाफ़ है। और ब्लैर इस बात से बिलकुल अप्रभावित है कि इंग्लैण्ड में 30 साल के बाद जंग के ख़िलाफ़ इतना विशाल प्रदर्शन हुआ है। धन्यवाद, टोनी ब्लैर के लिए यह ज़रूरी बनाने के लिए कि वह ब्रिटिश संसद के सामने एक छात्रा द्वारा दस साल पहले गढ़े हुए दस्तावेज़ रखे और उन्हें 'ठोस सबूत' के रूप में प्रस्तुत करे जो 'ब्रिटेन के खूफिया विभाग ने इकट्ठे किए हैं'।

धन्यवाद, कोलिन पौवेल को अपनी बेवकूफ़ी दिखाने का मौक़ा देने के लिए – वह संयुक्त राष्ट्र सुरक्षा परिषद को वह तस्वीरें दिखा रहे थे जिनपर एक हफ़्ते बाद हन्स ब्लिक्स (इराक़ के मुख्य हथियार निरीक्षक) ने खुलेआम संदेह प्रकट किया। धन्यवाद, आपके मौजूदा विचारों के लिए जिनकी वजह से संयुक्त राष्ट्र की पूर्णसभा में फ़्रांस के विदेश मंत्री, डोमिनिक डे विलेपिन, के जंग के ख़िलाफ़ भाषण का तालियों से स्वागत किया गया। यह, जहां तक मुझे पता है, संयुक्त राष्ट्र के इतिहास में केवल एक बार पहले हुआ है – नेलसन मंडेला के भाषण के बाद।

और धन्यवाद क्योंकि, जंग को बढ़ावा देने की आपकी हर कोशिश के बावजूद, बंटे हुए अरब राष्ट्रों ने पहली बार एक साथ जंग का खंडन किया।

और धन्यवाद, आपकी वाकपटुता का जिसमें आपने कहा कि अब संयुक्त राष्ट्र को मौका है अपने अस्तित्व को पेश करने का, और जिससे हर देश को अपनी हिचकिचाहट छोड़कर इराक़ के खिलाफ युद्ध करने के विरुद्ध विचार प्रकट करना पड़ा। आपकी विदेश नीति का भी धन्यवाद जिसने ब्रिटेन के विदेश सचिव, जैक स्ट्रॉ, को उकसाया यह कहने के लिए कि इक्कीसवीं सदी में युद्ध की नैतिक न्यायसंगती हो सकती है, और उन्हें दुनिया के सामने विश्वसनीयता खोने पर मजबूर कर दिया। यूरोप, जो अभी एकता के लिए संघर्ष कर रहा है, उसे तोड़ने की कोशिश करने का शुक्रिया; यह चेतावनी व्यर्थ नहीं जाएगी। आपने वह कर दिखाया जो इस शताब्दी में बहुत कम लोग कर पाए: दुनिया के हर महाद्वीप से करोड़ों लोगों को एक विचार पर एक साथ लाना, जबकि वह विचार आपके विचार

इराक़ पर हमले के विरुद्ध आवाज़ें

विश्व पर कब्जा जमाने का अमरीकी अजेंडा का विरोध करें

के विपरीत हो। हमें एक बार फिर यह महसूस कराने का धन्यवाद, कि चाहे हमारे शब्द सुने नहीं गए, कम–से–कम बोले तो गए – यह हमें भविष्य में शक्ति देंगे। हमारी उपेक्षा करने का धन्यवाद, हर कोई जो आपके ख़िलाफ़ है उसे हाशिए पर लाने का धन्यवाद, क्योंकि वर्जित हुए लोग ही दुनिया का भविष्य हैं।

धन्यवाद, क्योंकि आपके बिना हम संगठित करने की अपनी क्षमता को नहीं जान पाते। इस बार शायद इसका कुछ फ़ायदा न हो, पर भविष्य में यह ज़रूर काम आएगी। अब क्योंकि युद्ध के नगाड़े बंद करने का कोई उपाय नहीं है, तो मैं आपसे वहीं कहना चाहूँगा जो एक यूरोपियन राजा ने अपने हमलावर से कहाः 'तुम्हारी सुबह सुन्दर हो, तुम्हारे सैनिकों के कवच धूप में चमकें, क्योंकि दोपहर को मैं तुम्हें हरा दूँगा।

हमें (हम, अनजान लोगों की सेना जो सड़कों पर खड़ी है इस जंग को रोकने के लिए) असहाय और शक्तिहीन होने का एहसास कराने के लिए धन्यवाद और इस एहसास से जूझ कर उसे बदलने के लिए भी। तो अपनी सुबह का आप मज़ा ले लीजिए, और उस गौरव का भी जो उसके साथ फिर भी मिल जाए।

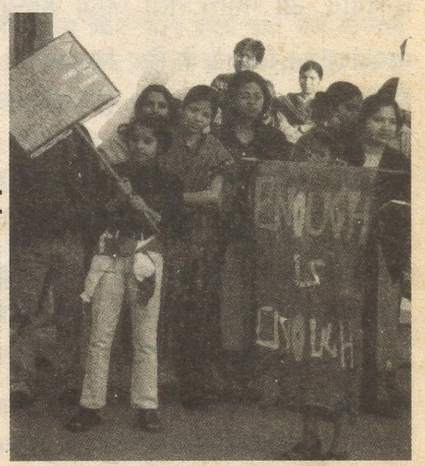
धन्यवाद हमारी बात सुनने के लिए और हमें गंभीरता से नहीं लेने के लिए, लेकिन अब हम आपको सुन रहे हैं और हम आपकी बातें भूलेंगे नहीं। धन्यवाद, ऐ महान नेता जार्ज डब्ल्यू बुश।

अमन के लिए औरतों की आवाज

In Peace We Trust

अमरीका का विरोध जारी; पाक में लोग सड़कों पर उतरे

There is no honour in murder !



हमें सदा आपके पत्रों, सुझावों और प्रतिक्रियांओ का इंतज़ार रहता है। अपने सुझाव इत्यादि अवश्य लिखें। न्यूज़लैटर में छपी सामग्री को आप पुनर्मुद्रित कर सकते हैं। मगर निवेदन है कि पुनर्मुद्रित सामग्री का श्रेय 'सहेली' को देना न भूलें और उसके बारे में सूचना के साथ अपनी सामग्री की एक कापी सहेली को ज़रूर भेज दें।

कृप्या अपनी सहयोग राशि हमें जल्द से जल्द भेज दें। छपाई और डाक व्यय के बढ़ते दामों की वजह से बहुत ज़्यादा प्रतियाँ मुफ्त भेजना कठिन हो रहा है।

इकट्ठी पकम भेजना सरल रहेगा। सहयोग राशि की नई दरें इस प्रकार हैं -

1 साल के लिए (3 प्रतिलिपियाँ) : 75 रुपये

2 साल के लिए (6 प्रतिलिपियाँ) : 140 रुपये

3 साल के लिए (9 प्रतिलिपियाँ) : 200 रुपये

नाम .....

संस्था का नाम .....

पता और फोन न० .....

भुगतान नकद,मनीऑर्डर या डिमान्ड ड्राफ्ट के ज़रिए किया जा सकता है। मनीऑर्डर और डिमान्ड ड्राफ्ट, 'सहेली वूमेन्स रिसोर्स सेन्टर ' के नाम से भेजें।

सहेली Saheli

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10th international women's health meet (iwhm), delhi

sharing experiences and thoughts

Women share experiences, debate, review and analyse women's health movement

The 10th IWHM held in New Delhi from 21-25th September provides an opportunity to reflect on contentious issues within the women's health movement. Many of these concerns were raised in our presentation at the IWHM. However, the overall context of the meeting also deserves some debate.

With the theme 'Health Rights, Women's Lives: Challenges and Strategies for Movement Building,' the objective of the 10th IWHM was to centre-stage the issue of health as a right that is as fundamental as the right to life and living. As the title of the theme suggests, the meeting attempted "simultaneously to bring back a holistic understanding of health (hence the linkage of health rights to women's lives) while also working towards a justiciable concept of health, so that understandings can be translated into enabling provisions and binding policy mandates."

EARLY BEGINNINGS OF THE IWHM

The focus of the IWHMs has been changing ever since the first meet in Rome in 1975 - a radical meeting in an abandoned monastery, where abortion rights, sexuality and women's rights were debated. From a spotlight on reproductive rights in the 1970s and 1980s, the focus shifted to a broader view in the 1990s. The theme of the 8th IWHM in Brazil in 1997 was 'Women's Health, Poverty and Quality of Life' with an attempt to bring in race and class issues. Concerns about environmental impact were brought into the 9th IWHM in Canada which focused on 'Women's Reproductive Rights, the Impact of Violence and the Impact of Environment on Women's Health'.

These meetings have been instrumental in bringing together women from all over the world to share experiences, debate, review and analyse issues in the women's health movement and, not least, generating energy and direction for positive changes. The specific issues of women's groups from different parts of the world have always been diverse, but the attempt to evolve a shared understanding, build solidarity and work together, kept the need for these international forums alive. For instance, in India, from the very beginning State-sponsored coercive population policies and introduction of hazardous contraception have been major issues; while the concerns of women in Eastern Europe are the pro-natalist policies which view women only as baby-producing machines. Over the last decade and more, African women have been concerned about the spread of HIV/AIDS and the consequences thereof. However, it was always possible to establish rapport and build links with women across national boundaries and IWHMs have provided such an occasion. Creating the space to meet so many people working on women's health, exchange ideas and experiences indeed provided a unique opportunity for many of us.

THE 10TH IWHM COMES TO DELHI

Planning for the Indian meeting began over two years ago, following the Toronto meeting. With an organising committee in place, and a Secretariat run by Sama in Delhi, input from women from national and international levels was sought by including representatives in the advisory committees. One member of Saheli was part of the national advisory committee—a mixed bag which was a learning experience for sure!

As an autonomous, non-funded women's group which has been working in the area of women's health for 20+ years, the changing nature of the women's movement has been apparent to us over the years. The national level conferences of autonomous women's groups are also changing their character, in fact, for a variety of reasons a conference has not taken place in the last five years and that is also giving a sense of fragmentation to the Indian women's movement. One hoped that this international

HEALTH RIGHTS, WOMEN'S LIVES: CHALLENGES AND STRATEGIES FOR MOVEMENT BUILDING

From 21-25th September 2005, more than 800 women (and a few men) activists, researchers, artists, film makers and community organisers working on women's health issues gathered in Delhi's Hotel Ashoka at a huge international meeting. Participants from more than 70 countries in Asia, Africa, Latin America, the Caribbean, the Pacific Islands, Australia, Europe, North and Central America provided a wide diversity in experiences and insights.

The broad sub-themes were: [1] Public health, health sector reforms and gender, [2] Reproductive and sexual health rights, [3] The politics and resurgence of population policies, [4] Women's rights and medical technologies, and [5] Violence of state, militarism, family and development and women's health. Participants had an opportunity of listening to and interacting with well-known names in the women's health movement – Betsy Hartman, Farida Akhter, Janet Price, Rashida Bi, Imrana Qadeer, Rina Nissim, Kausar Khan, Renate Klein, Dorothy Roberts, Alibhe Smyth, Sylviya "Guy" Estrada, and many others.

The five-day conference consisted of seven plenary sessions, about 50 parallel workshops divided into nine sessions and about 30 films – both documentary and feature. It was a hectic schedule. While the first and final plenary session attracted a near-full house, the workshops were relatively poorly attended. The number of participants varied from about 10-15 to 90-100.

The meeting programme was not only restricted to speeches and discussions but there were parallel sessions in adjoining venues where films were shown and a bazaar did brisk business. Interactive expressions/workshops included: games, board games, art for creative transformation—a painting workshop. Exhibitions and stalls, an alternative clinic and a Youth Corner added different dimensions to the meeting. If someone did not want to attend discussion sessions after hearing the plenary speakers, they had ample opportunity to see films, plays, participate in workshops or shop around looking for interesting items to buy! Despite having the meeting in a five-star venue some of the features of the movements' conference were very much there—thanks to the organisers! There was no formal inauguration of the meeting with a 'dignitary'—all of us were equally important participants, though some were more equal than others. But not so unequal that we needed an outsider to cut the ribbon! The spectacular performance by Shakti, dalit women drummers from Madurai gave an audio-visual treat to begin the conference. Prima Donna, the group of transsexual dancers from Malaysia and My Mother, the Gharwali, Her Malak, His Wife, the play by women in prostitution from Sangli, were also highlights of the cultural programme. Fusion music by the Bangladeshi band Bangla, led by Anusheh Anadil incorporated elements of Sufi music. On the last day, a draft declaration was circulated, and a brief discussion held. Following are the salient points:

We, the participants of 10th IWHM declare:

1. The right to health and health care is a fundamental right. All policies must be gender just, holistic and equal. They must also be free.
2. We must have universal and timely access to state-funded, quality, comprehensive health care. This is a basic RIGHT of all people, and especially of women and children. We firmly reject all policies that advance privatization and a user-fee system for health care in the public sector. We also reject inappropriate, invasive and expensive 'high' technologies.
3. We must have access to rational and appropriate health care technologies. Full respect and recognition must be given to women's wisdom, knowledge and healing practices.
4. We demand women's right to choose and express their sexualities in pleasurable ways and without pressure from patriarchal norms.
5. We demand continued global efforts to reduce the shameful and unacceptably high rate of maternal mortality.
6. We say NO to patents, unsafe pesticides, and the trade in biodiversity and people's knowledge.
7. We say NO to war, nuclearisation, militarisms and fundamentalisms. We demand radical cuts in defence and military expenditures.
8. We say NO to violence both inside and outside the home for women and girls, both domestic and structural.
9. We say NO to corporate globalisation and its impact on governments and donor aid.
10. And we say a clear and firm NO to ALL population policies, whether pro-natalist or anti-natalist.

(For the full declaration and more details on the IWHM, visit http://www.10iwhmindia.org)

level meeting focussing on women's health issues from the movement perspective would be a reviving force for autonomous women's groups working primarily on health issues.

UNMET EXPECTATIONS OF THE IWHM—AN OPPORTUNITY LOST

To quote the IWHM concept note, "The 2005 Meeting is a significant one as it comes at a moment in history when several national and international forces adversely impact women's health. The current context of global economic restructuring and liberalisation of markets, increasing militarisation of countries and regions, growing fundamentalisms of various hues, resurgence of population policies, adoption and practice of developmental models and paradigms that are playing havoc with the environment, call for urgent action by civil society bodies, including women's groups all over the world."

The focus was academic based rather than activist based

It was expected that "The lessons learnt from contemporary forms of advocacy, campaigns, mobilisation and resistance to callous, coercive or exploitative state policies will be highlighted, for sharing and networking across other groups and regions. The 10th IWHM hopes that such global networking will eventually build into a movement that can make a difference to people's lives and in particular, to women's lives."

Yet, these expectations were somewhat belied. As the organising took a more concrete form, it was apparent that this was a five-star kind of conference, which many women's organisations were not tuned into. This was very different—in terms of its structure, call for abstracts and online registration—from the conference of the women's movement that we are familiar with. Not only was the conference venue—Hotel Ashoka, the five-star flagship hotel of Indian Tourism Development Board—very distant from the culture of the Indian women's movement, but also the extremely high registration fee, the request to submit not only the abstracts but also the full paper weeks before the meeting was to begin! Some of these issues were crucial to avoid chaos during a meeting which benefits immensely from the availability of simultaneous translation facility to keep almost all women attending the meeting in tune with the proceedings of the meeting, however, we were also concerned about who all can and would be able to attend an expensive meeting of this kind. These issues were raised not only by us but also by some other members of the advisory committee during the planning meetings. Women from southeast Asian countries, SAARC countries, poor black women from the US, poor women from African nations would find it equally difficult to find money for travel, stay and registration. Despite efforts on the part of the organisers to waive registration fee for some participants, provide travel bursaries for some, invite some women as observers without charging them registration fee, the restricted entry was a cause of discomfort.

The content of the presentations in most of the plenaries and workshops was rather disappointing despite the insistence on submitting papers and abstracts. Mostly research-oriented and mediocre, the presentations hardly reflected what is going on in the women's health movement. They seemed (as we raised in our presentation) more in line with donor-driven agendas. The debates, the challenges, the strategising was missing, and issues were limited to academic debate. If this indeed reflects the state of the women's health movement, we have some serious thinking to do!

The caste issues in India were also sidelined. The highlight of the cultural programme was the Dalit women drummers, the sound of the drums still resonating in our ears. But what about the issues of Dalit women's health? The special focus of population control of Dalit women, a major issue of concern in India, was not reflected in the papers and workshops. There was also a lack of an India-centred theme, or regional focus—the venue of the conference being reflected in some special sessions would have only added value.

The lack of activist orientation was a concern, given that the meeting itself was supposed to discuss 'Challenges and Strategies for Movement Building'. The focus on this aspect was inadequate. The choice of the last plenary speakers also raises serious questions about the direction the conference took. The grand finale had Paul Hunt, UN Special Rapporteur on Health, and Jane Cottingham of the World Health Organisation. The fact that of all the meagre media coverage it was Paul Hunt who did get coverage, with his clarion call about maternal mortality, is skewed, and does not reflect the priorities of the movement. This begs the question about why representatives of these institutions are given so much primacy in our meets.

In many ways, the most was not made of a unique opportunity, especially when immense resources, human as well as financial, had been expended. The possibilities of 'movement building' envisaged in the main theme of the meeting were not high in a milieu dominated by academic discussions and workshops. A process of introspection, and a wider debate among women's groups in India and globally might contribute towards taking the process in a direction that would genuinely contribute to the hope expressed in the 10th IWHM concept note: "....build into a movement that can make a difference to people's lives and in particular, to women's lives."





manufacturing consent

Impact of the Donor Agenda on the Women's Health Movement
Saheli Presentation at the IWHM

The Indian women's movement has been a part of the international women's movement with a focus on India-specific issues all along. Women's health was not one of the first issues addressed by the Indian women's movement but the primary concern was violence against women—rape, dowry related violence and domestic violence, and a nationwide mass mobilisation of women occurred around the 'Mathura rape case'. Women's health as an issue for the women's movement emerged in the early 1980s. Protests and court cases against hazardous injectable contraceptives was the beginning of the women's health movement in India. These protests were against either the utter neglect of the women from the health delivery systems and/or the coercive State policies. The 'State' was thus the first target of the women's health movement. As the women's movement gained focus, stability and 'status', it caught attention of the international funding agencies such as the Ford Foundation, MacArthur Foundation, Population Council, United Nations Fund for Population Activities [UNFPA] etc. Funding started as a trickle but soon became a flood.

IMPACT OF DONOR FUNDING ON DIFFERENT ISSUES OF THE MOVEMENT

Looking back over the 20-25 year period provides an interesting angle to the funding priorities of the donor agencies. If a comparison is made between the impact of donor funding, on the 'violence against women' versus 'women's health' as campaign issues a very different picture emerges. As long as violence against women is being dealt within the personal domain such as rape or domestic violence, there is ample donor funding, but its impact on the nature of activism or campaign strategies appears minimal. Exception to this is violence associated with 'trafficking', which does not fall into the category of domestic violence. Trafficking tends to receive larger assistance because it has an impact on the notions of nationhood, cross-border migration, international trade compulsions etc.

On the other hand, in the context of women's health the nature of activism has been deeply influenced by the donor assistance. The stress on population control as well as large financial interests of the pharmaceutical industries have a deep impact on donor assistance. Some of the 'advisors' on boards of donor agencies are/were directly or indirectly associated with pharmaceutical industries. This kind of nexus is seen in other fields too—a well-known example is of arms dealers sitting as advisors on security measures for a country! Internationally, stabilising population growth of a developing country like India is deemed important to promote sustainable development, to improve trade, to mitigate illegal immigration, and ease potential conflicts. Controlling population of certain sections of the society is also considered crucial at the national level especially when the question revolves around politics and panchayat level elections. Donor assistance has certainly played a role in determining priorities of the governments and priorities of NGOs working on health.

CHANGING TRENDS IN DONOR ASSISTANCE

The State-sponsored Indian family planning programmes launched in the 1950s from the very beginning were coercive, with notions of incentives and disincentives. As early as in 1961, the Mudaliar Committee recommended disincentives. Donor agencies, particularly the Ford Foundation, had started funding various programmes since the early 1960s. The funding was either directly channelised for family planning or was indirectly used to 'develop' scientific expertise and political leadership, which in return would help in the perpetuation of the myth of 'over' population. The grip of various funding agencies such as the World Bank and USAID became firmer when they got opportunities to provide major financial help following droughts and economic crises of 1966. At no point in history did the funding provided by the international donor agencies exceed a tenth of the total Indian health budget, however, the donor agencies exerted a disproportionate share of influence on the State health policies.

Cairo was considered as a landmark conference by many, as there seemed to be a 'consensus' about reproductive rights and the notion of a 'feminist' population policy at the end of the conference. However, this 'consensus' failed to provide any context for

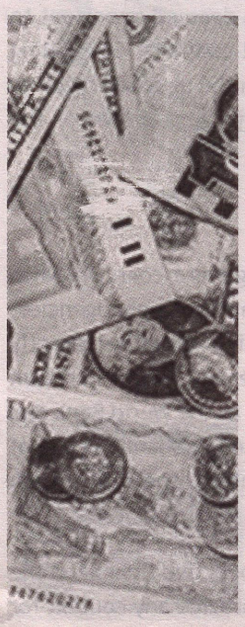
The State is distancing itself more and more from healthcare systems

the majority of women in countries like India. Political, economic, cultural and social factors which influence women's health and determine understanding of fertility, sexuality, reproduction and gender roles for Indian women were not seriously taken into account. The narrow emphasis on 'reproductive freedom' is not meaningful for many urban Indian women and it leaves the majority of the poor, rural Indian women completely untouched. In order to assert social, economic and political rights, a major change in the framework is necessary. It consists of challenging the macroeconomic policies such as structural adjustment and neo-liberalisation which are pushed by the same international donor agencies which advocate population control. In addition, there must be a demand for other rights—to life, to work, to property, since 'reproductive rights' alone cannot be the answer. Further, this push has to extend to land reform, expansion of social services, and more even-handed distribution of resources. Indian women's movement has to strive for this shift in paradigm which will ensure equitable development and bring down the birth rates.

FURTHER RETREAT OF THE STATE AS A HEALTHCARE PROVIDER

In a variety of ways macroeconomic policies of liberalisation have had an adverse impact on women's health. In India the expenditure on health was poor to begin with. The State was failing to provide comprehensive healthcare to most of its citizens. Now, there is a further retreat by the State from the realm of welfare and social entitlement. While appearing to be concerned to provide an increase in the contraceptive choices, giving woman a choice for regulating her fertility, the State has relinquished its responsibilities to be an active partner in reproductive health programmes. Worse still, the State has formulated an official policy for giving a formal status to the NGOs as providers of healthcare. Most of the NGOs working in the health sector are being funded by the international donor agencies. Thus, directly and indirectly the donor agencies are regulating the status of healthcare programme in the country.

Under pressure from the market forces the State is further distancing itself from even the regulatory aspects of the healthcare delivery. One way in which this distancing is manifested is by lowering safety standards for various drugs and devices. The drug for Emergency Contraception [EC] is one such case. EC is a method for prevention of undesired, unplanned potential pregnancy. Drug for EC was introduced for the first time as a prescription drug in the year 2002-2003. The reason for introducing it as a prescription drug was to do with the side effects, about which the woman should be warned. The drug used for EC has not changed in the last 2-3 years, neither has revolutionary new information become available about it which would make it particularly safe and without any side effects. However, in September 2005, it was declared an over-the-counter (OTC) drug thereby implying that it can be used without any kind of advice or supervision from the expert! This change in practice to make drugs readily available to increase their sale is an unethical trend. From other examples it appears as if the trend is likely to become more common as exemplified by another drug called RU486.



RU486 is a drug recommended for inducing early medical abortion under medical supervision by the US Food and Drug Administration [USFDA], an autonomous body which monitors, regulates and licenses various drugs for specific use in the United States. The USFDA recommends that RU486 may be used under medical supervision which extends to 3 visits because there are many side effects of RU486 which can be dangerous to the woman's health if they go unnoticed, e.g. 5-10% women do not abort their foetus completely and need further medical intervention to ensure complete abortion. In 2003, WHO and Ministry of Health and Family Welfare [MoHFW] organised a national consensus building exercise and came up with extensive guidelines for the use of RU486. These guidelines are elaborate and do take a note of USFDA warnings about its use. What are the chances that the State will buckle under pressure about RU486 too and allow its use as a readily available drug for medical abortion without doctor's prescription or supervision?

ROLE OF NGOS AS HEALTHCARE PROVIDER VS HEALTHCARE VIGILANTES

As mentioned earlier, the State is actively encouraging the participation of NGOs in healthcare delivery. In fact, the National Population Policy 2000 lists partnership with NGOs as one of the strategic themes.



Further, the 2003 guidelines issued by MoHFW, for NGO involvement in 'family welfare', were prepared with 'generous technical and financial support' from the UNFPA. This document states that NGOs are supplementary and complementary in nature to the government and thus have comparative advantage of flexibility in procedures, and a rapport with the local population. While highlighting their role and flexibility the document still insists that the grants given to NGOs are dependent on their 'performance'. Thus, not only does the State adhere to its emphasis on incentives but it also insists that NGOs follow the suit and adhere to the target oriented approach!

Unfortunately, a significant proportion of this work in the health sector is executed by the same NGOs which get funding from the international donor agencies for achieving the targets set by the State, thus completely jeopardising their 'non-government' status! These contradictions in the workings of the NGOs, donor agencies and the government together is obvious in an extreme case of coercive population policy measure such as chemical sterilisation with Quinacrine. Use of Quinacrine in India is chequered with unregulated, illegal 'clinical trials' by NGOs in collaboration with anti-immigration NGOs in the US, and vested corporate interests.

So the question often arises as to what is the role of NGOs and what is the role of the movement?

Illustrating the dilemma with a concrete example would be useful here. Parivar Seva Sanstha [PSS] is an NGO which has been working in this country for more than 20 years. Its role over the years has included distribution, post-marketing surveillance and building a body of information in favour of injectable contraceptives, despite well-known concerns of the women's movement. In October 2004, PSS organised a meeting in Manesar, supported by MoHFW, Packard Foundation and UNFPA. Senior managers of Pfizer, which manufactures Depo Provera, the hormonal injectable contraceptive, were also present at the meeting. The organisers and funders of the meeting were of the opinion that injectable contraceptives positively enhance women's 'basket of choices'. The primary aim of the meeting, under the pretext of 'dialogue' with groups and people from all walks of life, was to evolve a 'national consensus' and a roadmap for their introduction in the national family planning programme. This would, of course, ensure a huge market for the Pfizer product! Along with a few other groups who have been active, vocal opponents of this idea, we were invited for the meeting. Instead of providing legitimacy to the decision which this meeting was hoping to achieve, we declined. Instead, we, along with 63 groups from all over the country signed a petition resisting the introduction of injectables. This pressure compelled the government to say it was not going to introduce injectables at this point of time.

The Manesar meeting 'roadmap' is another way of 'manufacturing consent'. During this meeting the 'Forum for Expanding Contraceptive Choices' was renamed 'Advocating Reproductive Choices' (ARC) and many NGOs were reportedly joining the forum with its Secretariat at PSS. This incarnation as ARC with representatives of health professionals, service delivery organisations, manufacturers and suppliers of contraceptives, international reproductive health experts, is calling on the Government of India to 'strengthen the availability of injectables', deemed to be a safe method. Despite these contraceptives being hazardous and unacceptable to the women's movement, groups like PSS, bodies like the UNFPA, Population Services and MoHFW are working very hard to evolve a national consensus! We do not have to pause and ask what the priority of the State is, but if we have to visualise the role of NGOs in women's movement we certainly need to ask—what the priority of the participating NGOs is—population control over women's health? Contraceptive cover over safety?

From the very start, the Indian women's health movement has struggled against the power of State propaganda. Behind seemingly harmless slogans of a 'Small Family Being a Happy Family' was the history of coercion, violence and utter disregard for women's health and well-being. The State continues in its efforts to build a 'national consensus' for its repressive programmes. Yet today, when funding agencies and NGOs are themselves using the language of 'evolving consensus' it is necessary to ask: for whose agenda is consent being manufactured? We have to strive to maintain the autonomy of the women's health movement despite the dialogues, consortiums, networking and working only towards agendas set by international or UN kind of bodies.

Population control vs women's health

MANUFACTURING CONSENT: STEADY ONSLAUGHT

Donor agencies have been steadily working their way towards manufacturing of consent. Preceding direct intervention in population related activities, Ford Foundation, since 1952 has spent millions of dollars on biomedical research, training and research in demography, with a neo-Malthusian tilt. They have achieved this by funding for the Population Reference Bureau, providing Population Council fellowships, funding United Nations Demographic Centres and through Universities, including London School of Economics and Johns Hopkins Institute. The products of these efforts are well-moulded in the ideology voiced by the donor agencies. A few examples would help illustrate the point.

UNFPA provides support to more than 140 countries and manages the majority of the world's multilateral population assistance. Since 1969, UNFPA has provided more than $6 billion for voluntary family planning and related healthcare in developing countries. IIt also works with countries to track and analyse the distribution, structure, size and dynamics of populations, to help develop the International Migration Policy Programme. Despite the euphemism about 'freedom of choice' and 'reproductive rights' UNFPA 'constructively engages with' though 'not supporting' China's coercive population policy! This is no different from the United States saying, "In areas of economic liberalisation and human rights, the United States has adopted a policy of engagement". In one of the rare instances of frank admissions of intent, Carmen Borroso, from MacArthur says: "For many foundations, the basic motivation is to curb the rate of growth. I would say that, for all foundations, this motivation plays some role, in one way or another. The question before us then is: does it matter?"

The notion of 'evolving' consensus or 'manufacturing' consent is not restricted to any single field. Telling historical lies to school children repeatedly as textbook information, without providing access to factual information is sufficient to create opinions that are considered 'desirable' and/or 'beneficial' to a given country. There are examples of this kind which are familiar to many. Similar tactics can be used by donor agencies too! Another example is the Public Service Broadcasting Trust [PBST], an autonomous body working in collaboration with the State-run Prasar Bharati Corporation. PBST's mission statement was, "To create and sustain an independent, participatory, pluralistic and democratic space in the non-print media, distanced from commercial imperatives and State / political imperatives." It was to provide for a minimum of 52 documentary films a year, which will help widen the public discourse on a range of issues by creating programming for the national, state-run television broadcaster, Doordarshan. Since its inception PBST has worked to protect 'freedom of speech' of the filmmaker by taking on the role of the negotiator and mediator—minimising interference and pressure of State agenda. In the year 2005, UNFPA and MacArthur together plan to fund up to 26 films on India's population & reproductive health through PBST, focussing on issues defined by them. These issues may be as politically correct as 'sex determination', however, they are still framed by a 'population stabilisation' agenda. Their commissioning brief seeks work to be created in collaboration with 'their experts', and based on research to be whetted by them! This new situation will certainly translate as reduced autonomy of film-makers/opinion-makers, it is likely to renew propaganda of the population control agenda, albeit in a more sophisticated language. This is an example of virtual control of all the 'space for gender-related programming' by UNFPA and MacArthur on the national television!

Thus, if the State and the donor agencies are permeating the space which was carved out by the women's movement, how do we see this as a challenge and what steps do we need to take to have it back before it is gone for ever? Whether the groups working in the women's health movement are funded by the donor agencies or not, the existence of a vibrant movement is of paramount importance, we need to reclaim the crucial element of criticality and resistance.

CONTRIBUTION FOR NEWSLETTER

As always we look forward to your letters, comments and suggestions. Do write in to us. Also, you are free to use/reproduce any material from our newsletter. Though please do acknowledge and inform us, and send us a copy of the same. Please also send in your contributions soon. A lumpsum will be logistically simpler. New slabs for contribution (including postage) are:

❒ 1 year (3 issues) : Rs 75/-. ❒ 2 years (6 issues) : Rs 140/-. ❒ 3 year (9 issues) : Rs 200/-.

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manufacturing consent: delhi dialogues

Since the IWHM due to its own constraints could not provide the space and time for an in-depth discussion on the issues raised in the presentation, Saheli decided to hold a meeting for Delhi based women's and other organisations working specifically on the issues of women's health, in order to take the discussion forward. On 15 October 2005 a meeting was held in Indian Social Institute. The discussion that followed highlighted the concerns and questions in the minds of many grassroots activists and women who have been associated with the women's movement for about thirty years now.

Starting from the point as to when and how change came in the nature of funding, issues were raised regarding structures and manner of working of the NGOs to their relationship with the movement and the State. Questions on the present nature of women's movement also got debated. Since those present in the meeting included both new and old activists, nostalgia of (good) old days and comparisons with the present sometimes kept stunting the discussion. Some complained that we were not coming together on one platform and were working in a divided manner. They said that there seemed to be no coordination amongst the various organisations whereas earlier all used to come together and there used to be one voice. Change has come in the nature of funding too. Earlier there was more space and freedom to work even when funds were taken for any project or campaign. Though there were controls earlier also but that space has got reduced. Another question raised was: who are these groups accountable to: funders or to the people for whom they profess to work?

While some felt that we need to understand that the contribution of women's movement in successfully building up resources in the development sector, some others quipped that at the same time we also need to understand why some of us are no longer working on health issues. It was also pointed out that in funded organisations the decision to be an activist or a manager may in itself make you ineffective. Why have we not been able to preserve that space? Some pointed to the fact that the nature of funding has changed in a way that field workers get paid much lesser than those at higher positions. There is money for the program and not for the workers. Emphasis on research and not on action was another issue raised. An elitist character of movement has emerged. As a result one finds that those who are working on the programs many times do not have adequate information about the issue on which they supposedly work. Many are working as office jobs.

It was also pointed out that the withdrawal of state and the NGOisation process need to be seen together. Women did not have choices earlier and they still do not have choices because of the dynamics of privatization in all areas of life. Also now the government first consults the donors and not the movement or NGO sector. Moreover, the vocabulary and language has become apolitical. The linkage between the State and the market needs to be understood.

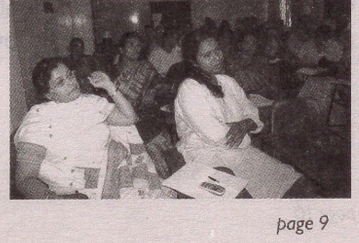
Trying to pull the discussion from the old and new, then and now mode, an attempt was made to discuss the extent to which we have the space for raising political questions. As funding has got sophisticated, it has become difficult to raise issues about it. The scale and language of funding is itself different. No wonder that in the IWHM conference there was no discussion on strategies and networking.

Some heated argument took place as to where the women movement is going. What is its relationship with the State? What are the contradictions? Is the movement still proactive? Is there a movement or there are only questions and questions? Trying to take the discussion out from the binaries of funding vs women movement, it was emphasised that we need to have discussions, accountability and transparency amongst ourselves. Need for joint platform and for ideological debates was also stressed. Only this could help in intervening effectively. It was decided to take the discussion forward by having a follow up meeting and keeping the dialogue alive.

Photographs by Sarvesh







re-creating the mahaul
saheli play on sexual harassment

In September 2005, we were trying to re-create the "mahaul" that had fired our imagination and creativity 5 years ago! The most exciting part was the new cast with newer interpretations! Yes, we were in the process of reviving our play on sexual harassment at the workplace called "Mahaul Badalna Hai". The script was written in June 2000 after almost 14 performances done by a fluid cast of characters. And now, after all this while we were doing it for the first time with a script in our hands! It was wonderful to be back in the naatak-mode.

The first time around when we were developing the play, we had to work at two levels - first was the 'how' part - production of a play on a sensitive issue by a group of nearly all first-timers and second was the 'what' part - the constant thrashing out of the issue and its nuances. This time too we had lots of discussions but of a different kind because of the ready-made script. The 'old-timers' were a bit possessive about the script and often during practice sessions made long trips down memory lane, whereas the people new to the play brought in their own enthusiasm, energy and critical inputs. Hectic practice sessions were ongoing and we were often camping together. As someone aptly remarked, "we were eating, drinking and sleeping the play, to the extent that our regular conversations would have expressions, statements, tones from the play...with hysterical outbursts from all of us, to the utmost bewilderment of others around!!" As we interacted together during the practice sessions, we evolved, as did our bodies and the minds connected to them! As we put together each of our voices to form a strong combined one against sexual harassment at the workplace, each of us released ourselves from the shackles of "*mujh se nahi hoga*", "I've never done *naatak* before" ....and the first performance happened!

The "premier show" was at the Ganga Dhaba in JNU. The naatak took place at a time when there was already a lot of discussion and upheaval in the campus over the issue of sexual harassment and the changes in the JNU policy which impacted the working of the Gender Sensitisation Committee against Sexual Harassment (GSCASH). We performed under the trees in the dim light of the dhaba bulb. It went well! Afterwards the discussion started and what really was a shock was the kind of questions men from the so called progressive JNU were asking - full of stereotypes (thankfully countered by the audience itself) and also statements like "the problem is that women's issues are always talked about whereas nobody talks about men and their issues" ..now what do you say to them!

A month after that, we had two performances packed into one day! The first was in Daulat Ram College. We all did a round of the college looking for the perfect grass and shade before settling down and starting with that familiar call of "hey jee re". Initially some of the girls told us that there was no need to do it within the college campus as it was a girls' college and they didn't face any problems. One even insisted that we should step out of the college gates and do the play on the road, for the boys. Some of them clearly felt that there was no need to talk to them about this issue! Luckily for us, there were many more who wanted to see the play. But after it as over, most women openly admitted that such incidents did take place outside as well as inside the college! Then on, one after the other they narrated some of their own experiences and wanted specific solutions too. One of the things that was on top of everyone's mind was sexual harassment by cell phones and sms!

Next we went to a basti in Haiderpur and performed in front of a school. There was a biggish crowd, with many little kids. The performance was much better and more interactive but there was not much discussion because women who were employed were all out and would have been back only in the evening. But the lack of interaction with women did leave us with a feeling of not knowing why we performed there and what was the context or purpose of it. Was the lack of dialogue due to the obvious class difference or was it to do with language... Some questions lingered in our minds.

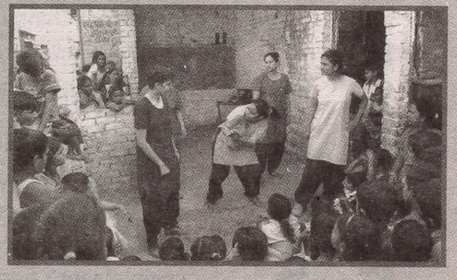
While we grapple with these and many more questions, we know that each performance and interaction is spreading the word on the issue of sexual harassment. These days we are planning for other performances and doing the near impossible task of getting together the five of us for practice sessions...believing that *ek din mahaul badal he jayega*!

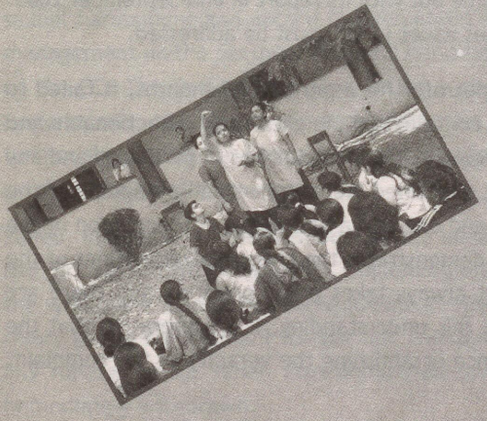
"Developing *Mahaul Badalna Hai* will remain etched in my mind as a significant process of collective creativity towards communication of a political thought."





"In my experience after every performance I feel new himmat, takat. Mujhe confidence mila."







"I must admit that being in the play opened me up to the group much faster than I would have otherwise...the mad practices over late nights, the jhagdas over not getting into the role or coming late for practices... reminiscing about past performances... it has all brought me much closer in understanding and relating to everyone at Saheli."

"It was wonderful to be back home, and see it having evolved more, with new people, bringing in their individual strengths...the collectivity continuing!"

Photographs by Sarvesh

dealing with sexual harassment
misplaced morality

A Saheli Critique of the Complaints Committee Report and Action Taken by Chintan, Delhi



Sexual Harassment is a serious violation of women's rights, and must be tackled not only with seriousness, but with sensitivity. However, the tackling of a recent case of sexual harassment in Chintan, a Delhi-based environmental NGO, demonstrates how misplaced morality can interfere with administering justice.

A woman employee of Chintan was sexually harassed by a male co-worker in February 2005. Deeply affected by the incidents, and not satisfied by the response of her employers, she approached Saheli for assistance and advice. A Complaints Committee (CC) to enquire into the complaint was set up by the Director of Chintan two months after the incident. The composition of the CC underwent several changes, and the hearings took five months to complete. The CC came out with its report in end-September 2005. The entire process and the final report raise several serious issues which must be addressed.

CC report contains anti-woman statements and conclusions

Though the CC recommended the suspension of the perpetrator for a period of 3 months, it failed to give full justice to the complainant. The report, in fact, contains certain extremely objectionable and anti-woman statements and conclusions which are damaging to this complainant in particular and any complainant of sexual harassment in general. The report contained merely one small paragraph of the complainant's version cursorily outlining her complaint, and one and a half pages of the version of the accused, addressing every detail. This skewed emphasis demonstrates the preconceived notions of the CC. The CC observes that "...sexual harassment almost always takes place privately and there are normally no witnesses to any of these incidents". With this understanding, it is imperative that the complainant's version be given utmost consideration, since establishing the veracity of the complaint rests on the complainant's testimony.

Yet, in a complete departure from giving the complainant a fair hearing, the CC treated the complainant as the accused and took on full faith the 'admission' of the real accused that he and the complainant were "attracted to each other", but did not give credence to the complainant's version that there was nothing consensual or mutual about the 'attraction', which she perceived as sexual harassment.

The observation by the CC that "...sexual interaction or behaviour even if consensual is highly unethical and unprofessional and would not be tolerated" betrays the CC's lack of understanding about sexual harassment. By penalising even consensual sexual behaviour, the CC advocates moral policing, rather than a redressal of non-consensual sexual advances, i.e., sexual harassment. The management of Chintan, taking its cue from this last point, distorted it further by implying that sexual harassment did not take place, but that the accused was being suspended because of 'sexual attraction'. A more mature way of dealing with the issue would have been to discuss how to deal with sexuality in the workplace and to evolve mutually agreed codes of conduct rather than prohibitions and bans, which only serve to blur the crucial difference between consent and lack of consent, which define sexual harassment.



Despite being a committee with the limited mandate of enquiring into a complaint of sexual harassment, the CC made several judgemental statements about the 'behaviour' of the complainant and recorded irrelevant statements of office staff about her. The CC is not the appropriate body to assess a complainant's professional work in office. These have no bearing on a case of sexual harassment, and in this case, the CC overstepped its mandate to make these extraneous and highly subjective judgements.

The CC further overstepped its mandate to rationalise and explain Chintan's bona fides and justify the delay in setting up a CC. An NGO's funding status has no bearing on its obligation to set up a redressal mechanism for dealing with sexual harassment. Such a mechanism should have been set up in Chintan as far back as 1997, following the Vishakha judgement of the Supreme Court.



In fact, the funding status of the NGO, the lack of fair labour practices and appropriate grievance redressal mechanisms have a direct impact on the witnesses due to the lack of job security. The witnesses, colleagues and staff find it difficult to express their displeasure against the management and support any of their colleagues in distress, as the complainant was. It is hardly surprising that the staff at Chintan toed the line, and was unwilling to support anybody perceived to be against the management. Time and again one has seen how women fighting for their rights are isolated and labelled as 'trouble makers'.

In fact, in Saheli's earliest interactions with the Director of Chintan, she had assured us that she would try to make the workplace less hostile for the complainant, and that she would also organise a workshop on the issue of sexual harassment for all Chintan employees to sensitise them towards this issue, but nothing has been done so far. All efforts at engaging with the organisation at various levels have yielded no results or sensitivity. The complainant was subjected to, and continues to suffer, various other forms of harassment at a workplace that has got increasingly hostile.

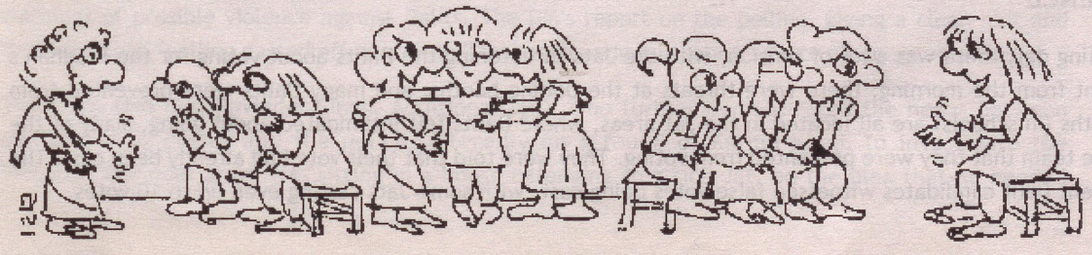
Another serious breach of procedure occurred when the Director, in her formal note to the CC, in which she sought to raise issues of concern, in fact, made several judgements on the complainant's character, associations and other such inferences that could serve no other purpose besides undermining the complainant and her case. As an employer, she failed at that critical moment to stand by a victim of sexual harassment and accord the complaint its due seriousness. The undue influence of the Chintan management on the perspective and functioning of the CC raise further doubts about the independence of the CC. The Director has now issued a charge-sheet against the complainant regarding her work performance, the timing of which, following as it does, hot on the heels of the CC report, casts a further shadow on the Director's declared concern for the complainant who has been under immense pressure for the last many months.

Director makes judgement on complainant's character to undermine her case

Saheli, in a letter to the members of the board of Chintan has demanded that they critically examine the process of instituting the CC, including the letter sent by the Director; the hostile environment at the workplace as a direct consequence of the complaint of SH; non payment/arbitrary deductions of salary to the complainant for the last four months, and ensure that her dues are paid to her without any further delay. Saheli also demanded that the latest charge-sheet against the complainant be immediately withdrawn.

In addition if, as the CC recommended, the management of Chintan institutes a permanent committee against sexual harassment, it is crucial to address the implications of the anti-woman biases and narrow perspective of the current report on sexual harassment and the precedent it is setting within the organisation. By setting up relevant, gender-sensitive redressal mechanisms, the NGO sector must demonstrate its willingness to tackle these issues head on, particularly when—as Chintan does—it claims to address issues of 'social equity'. The NGO sector must also be transparent and accountable to the larger women's movement and democratic rights movement.

The handling of cases of sexual harassment requires both sensitivity towards the victim and understanding and experience of the issues involved. The current report has far-reaching negative implications for women already victimised by sexual harassment, failing to do what is most essential: to strengthen the courageous voices which speak out against sexual harassment.





caste-ing the vote
dalits in shamli denied political rights

Report of a Preliminary Investigation into Election Violence

Karmu Khedi village flashed into the news on the evening of August 17th, when Zee TV broadcast reports of clashes over panchayat elections in Karmu Khedi. Viewers witnessed the police resorting to lathi charge, and firing in the air, in their bid to suppress agitators who had blocked the Delhi-Muzzafarnagar highway. Over the next few days, local newspapers in and around Shamli carried reports of police violence. In an attempt to investigate the issue, a team toured the village on August 25th. The team comprised of: Rajni Tilak (National Conference of Dalit Organsiations [NACDOR]), Laxmi Murthy (Saheli) and Alka Arya (Independent Journalist). The team met the residents of Shamli, toured the Dalit bastis, met with residents, with women candidates of the panchayat elections, local Dalit and Jat leaders, and also police officials. The overwhelming feeling among the Dalits was one of fear and intimidation.

BACKGROUND

Karmu Khedi village is located in Shamli block of Muzzafarnagar district of Uttar Pradesh. The broad roads, state highways and ornate facades of the houses of the Jat community alongside the road belie the abject poverty that lies just behind. The Dalit bastis—of the Valmikis, Chamars and Dhimars—are characterised by small overcrowded lanes, unplastered brick structures and open drains. The Dalits are mostly daily wage labourers on farms owned by the dominant Jat community. Being a sugarcane growing area, it is relatively prosperous, but the daily wage is only about Rs 60, and even less (Rs 20-30) for women. In season, the Dalits also work in the brick kilns. Additionally, the Dalits work as domestic labour, scavengers and cleaners in the houses of the Jat community. Very few of the Dalits own land or cattle.

HARASSMENT OF DALIT WOMEN CANDIDATES

Karmu Khedi, with a total population of about 10,000, is a SC reserved constituency, with Dalits having 2300 of a total of 4800 votes. The Jat community has 1100 votes, the Muslims 1000 and 400 votes of other backward castes. This time, the constituency was reserved for women. Fourteen SC women filed their nominations for the panchayat elections. One of them, Sulakshna, also an SC candidate, had the support of the Jat community.

The threats and intimidation began several days before polling day. The Dalit women candidates were warned to let go of their aspirations of becoming panchayat members. Candidates told the team that casteist abuses, denigrating statements and sexist abuses were routinely used to scare them away from continuing to contest for elections and pressurising them to withdraw their nominations. Due to intimidation from the Jat community, only about 6-8 of the 14 candidates actively contested. Of these one was Kavita Dabra, wife of a Subhash Dabra, who was the Pradhan for two earlier terms.

Pappu Dabra, brother of Subhash Dabra, on 13th August at 1.42 pm, informed Ashish Goyal, the District Magistrate, Muzzafarnagar that there was trouble brewing in Shamli. He requested that some arrangements be made to prevent booth capturing and violence. Faxes were also sent the same afternoon to the State Election Commission and the District Election Commission, also informing them about the possibility of booth capturing, violence and unfair practices. However, no action was forthcoming, nor were additional precautions taken.

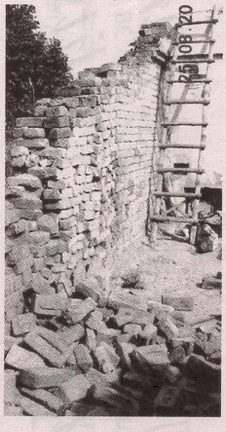
POLLING DAY VIOLENCE

On 17th August, the polling day, there was a lot of tension, with the Jats threatening the Dalits about voting for the Pradhan's wife Kavita Dabra. Right from the morning, there were threats at the polling booths, and many Dalits were prevented from voting. The polling booths (in schools) are all located in the Jat areas, where Dalits felt intimidated about going. Many of the candidates informed the team that they were prevented from voting. They were told that their vote had already been cast. The agents of the independent Dalit candidates witnessed false votes being cast, with some Jats casting even up to 10 votes.

At about 2 pm, the Jats managed to push out all the Dalit candidates agents, using physical force, filthy abuses and severe threats. The Dalit agents all left the scene and came to the mohalla. There was a lot of anger generated, and the Pradhan gave the call of rasta roko (road block) to protest against the injustice. The Dalits all came out in large numbers and jammed the road, which is the highway to Delhi.

The police soon came, also called the commando forces. The police and Jats were lined on top of houses, showering bricks; on the ground, there was a lathi charge and the police severely beat up the Dalit women, men and children. Frustrated at the turn of events, some women tried to prevent the police from beating them up. However, S.O. Rahul Mithas in turn accused them of assaulting him! Around 3.30 pm, the DM arrived on the scene, and was invited into one of the Jat houses on the road, where he stayed for about one hour. Meanwhile, a Zee TV crew arrived and began live broadcasting the incident. The fracas continued the whole evening.





While the rasta roko was in progress, with the police mercilessly trying to dispel the crowd, the police barged into the Dalit mohallas, broke doors, barged into the houses and beat up the women, children and old people inside. They also destroyed property within the houses. The team saw broken doors, broken chulhas and a broken wall from where the police entered the Dalit mohalla. The team met people with bandages, and signs of physical injury even one week after the incident. The police was all male. There was not a single woman police present. During the entire 'operation', women told the team that the police spewed venomous casteist and sexist abuses and threats: "Shut up, *Chamarin*, we will shove this (lathi) up you!" to cite just one example.

THE AFTERMATH

Soon after the rasta roko was cleared, the police arrested several Dalit persons, despite the fact that the Dalits had been made victims of booth capturing and election-related violence. 25 Dalits and 250 'unknown' have been accused of several cases. 23 were arrested for five weeks, two accused Dalit leaders applied for anticipatory bail but have been denied it. The sections of the IPC applied are: 147, 148: rioting armed with deadly weapon; 149: unlawful assembly; 307: attempt to murder; 332: causing hurt to deter public servant from his duty; 353: assault or criminal force to deter public servant from discharge of his duty; 341: wrongful restraint; 427: mischief causing damage. The 23 accused were in jail for five weeks and were granted bail only on September 24th.

Dalits accused of several false cases

Since as many as 250 'unknown' persons are included in the FIR, it has become a weapon to further harass the Dalits. During the visit of the team on 25th August, most of the young men had fled, fearing that they would be arrested if they appeared. The women were not aware of where they were. The families were facing immense difficulties because the daily wage earners had no security to see them through this crisis. This situation continues till date. Two of the leaders have been imprisoned under the Arms Act and are repeatedly being denied bail. The high level of intimidation in the village has prevented the Dalits from even returning to their homes, leave aside struggle against this injustice and denial of democratic rights. Livelihoods are severely affected, and the end to the oppression seems nowhere in sight. The almost complete blackout in the media is further evidence of the complete indifference of mainstream society to Dalit issues.

POLICE-ADMINISTRATION-DOMINANT CASTE NEXUS

The inaction of the State and District Election Commission in responding to the fear of violence, received in writing four days before polling day clearly point to a dereliction of duty and ignoring warnings of possible violence against Dalits. The DM's report on the polling, giving a clean chit and declaring that "polling passed off peacefully" makes the administration's caste alliances amply clear.

The team also met Ravinder Singh, Additional SHO, who further demonstrated the nexus between the dominant castes and the police. Allegedly on a round of Karmu Khedi to investigate the incident, Ravinder Singh was sitting in a house belonging to a rich Jat, on the plea that he needed

Upper castes, administration suppresses Dalits







to watch a CD with the footage of the incident, and only 'decent' houses had TVs. His anti-Dalit attitudes were clear when he claimed that he was interviewing 'respected' persons about the incidents on August 17th, a day when he was personally not present. It is ironic that the only 'respected' persons Addl SHO Ravinder Singh could find to interview were Jats, and not a single Dalit. Similarly, the team witnessed an elaborate investigation of some marks on a solid iron gate on a house belonging to a Jat, while the broken wooden doors of the Dalit mohalla have not come under any official investigation so far.

The attitude of all the Jats the team met made it amply clear that they were confident that the police and district administration was on their side. The fact that not a single Jat has been arrested after the violence they inflicted on the Dalits, is evidence of this.

ANALYSIS: DENIAL OF DEMOCRATIC RIGHTS

When Dalits seek empowerment through participation in the political process even at the panchayat level, they face the powerful onslaught of dominant castes, often in collusion with the police and civil administration. The resistance to the emergent power of the Dalits at the panchayat level has been demonstrated in various ways all over the country. From deposing Dalit Sarpanchs on fabricated charges of corruption or non-performance, to cold-blooded murder, like the case of Murugesan, the elected Dalit panchayat leader of Melavalavu in Tamil Nadu in 1997, we have seen innumerable incidents of a refusal on the part of dominant castes to share political power. The resistance is all the more when it comes to Dalit women.

The violence in Shamli is one more example of the attempt of a dominant community—Jats—in collusion with the police and district administration, to suppress the political aspirations of the Dalits. The situation is all the more ironic, given that Karmu Khedi is a constituency reserved for the Scheduled Castes. The dominant castes' attempt to control the Dalit vote in this case has been successful. After booth capturing, false votes and violence, Sulakshana, the candidate supported by the Jats has been declared the winner. The rhetoric of empowering Dalit women, of drawing them into the mainstream of the political process is empty when viewed in the light of the incidents at Karmu Khedi on 17th August. The complete disruption of the democratic process, and the lack of redressal mechanism makes the situation all the more grim. The likelihood of Dalit women in the area braving all odds to stand for election seems rather dim, when daring to exercise their right to vote and right to contest elections meets with such severe reprisals.

In the context of these circumstances, the following demands were made:

1. Cases under the SC/ST Atrocities Act be registered against S.O. Rahul Mithas, S.O. Prahlad Singh Yadav and SHO Ravinder Singh.
2. Cases be registered for booth capturing, and appropriate action be taken against members of the dominant caste responsible.
3. False cases against the accused Dalits be unconditionally dropped.
4. Compensation be awarded to those injured in the violence, and to those whose properties were damaged.
5. The panchayat election be counter-manded and re-election held.
6. The National Human Rights Commission take cognisance of the violation of human rights and conduct an investigation.
7. A CBI inquiry into the whole incident be undertaken and the guilty police officers be punished.

The affected Dalits of Shamli have submitted petitions to the SC Commission and the National Commission for Women and the National Human Rights Commission. However, no action has been taken till date. The apathy from the authorities has meant that the situation has not yet improved. Unless there is justice, there is no hope of normalcy.

quaking voices
from the kashmir valley

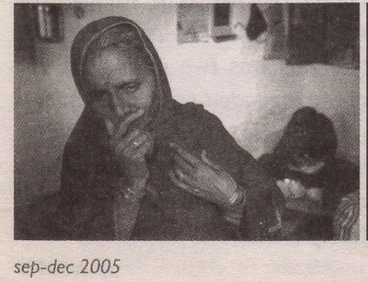
The massive earthquake that shook the Kashmir Valley on 8 October 2005 was one more devastating experience in the lives of Kashmiris already reeling under almost two decades of conflict. Measuring 7.6 on the Richter scale, the quake, with its epicenter was at Rawalakot (near Muzaffarabad in Pakistan) completely devastated not only Muzaffarabad district in Pakistan but also caused large-scale damage on the Indian side of the LOC. The worst affected areas in the State of Jammu and Kashmir are Karna Tahsil in Kupwara district and Uri.

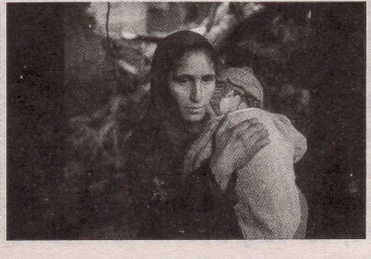
On both sides of the border, as government and non-government agencies still try to grapple with the damage, the debates rage on: is enough being done? Have victims of the quake also become victims of the Indo-Pak legacy of political conflict? Is this a human crisis or a 'Muslim' one... are the survivors of the earthquake also being subjected to communal prejudice? In the last month, the people of the valley have seen it all: Volunteers from the region and beyond national and international borders, trying to help them rebuild their lives. Protests against the state compensation package of Rs 1 lakh only in places like Uri. The women of Chandanwadi protesting against the politicisation of relief distribution. Vested interests ensuring that political supporters get more than their share of relief materials. University students appealing to the Vice Chancellor to postpone their upcoming exams in the wake of the disaster. An encounter with the Srinagar High Court through a PIL filed by an NGO regarding the government's plan for the relief and rehabilitation for the earthquake hit areas. For the speedy reinstatement of road and telecommunications, for the provision of timber and CGI sheets to build houses. A landmine blast that killed one BSF jawan, and injured 20 other soldiers. And of course, the brutal killing of ten Hindu men in Rajouri, just a couple of days after the quake by a militant group.

Conflict in the region has already ravaged countless lives in the valley. three lakh Hindus displaced from their homes, and left to rebuild their lives in far-away places. The Muslim majority that lives on in the valley is viciously targeted by heavy military presence in the region, strengthened by draconian laws like the Armed Forces (Special Powers) Act. In the face of widespread human rights violations, groups like the Association of Parents for Displaced Persons (APDP) struggle to fight for justice against enforced disappearances. And through it all, the tales of women speak volumes of collateral damage: of thousands of women who are grappling with new realities: Life as 'half-widows', destined for pain, sorrow and waiting... without end. Life of fear of violence from both, the state and militant forces alike. Life of economic and social uncertainty. Lives now further devastated by the major earthquake of 8 October.

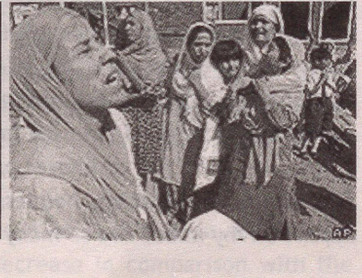
As the bitter winter sets in, and those trying to help hurry to provide meaningful shelter against the cold for people, grain and livestock, we reproduce here, an account of 17-year old Mimansa Sahay, a friend of Saheli, who was in the valley when disaster struck, as well as excerpts from an appeal by renowned author, Salman Rushdie. At the same time, we extend our sympathy to the suffering people in the valley and our solidarity to their struggle for survival.

Bearing the brunt of the destruction of the last two decades...





and the devastation of the earthquake.



YOU CAN STILL HELP MAKE A DIFFERENCE: BE A VOLUNTEER OR SEND IN YOUR CONTRIBUTIONS:

Cheques /drafts may be made out to **Pakistan-India Peoples Forum for Peace and Democracy" OR "PIPFPD - Kashmir Earthquake Relief and Rehabilitation Fund"** at: PIPFPD Secretariat, A-1/125 (first floor), Safdarjung Enclave, New Delhi 110 029. Or **Anhad or Youth for Peace (Anhad)** at: Anhad, 4 Windsor Place, New Delhi-110001

salman rushdie appeals...

The calamity of Kashmir is a wound on a wounded body. It is death arriving in awful majesty in a place where death has become a grubby, ugly, everyday affair. There has been so much man-made dying in Kashmir that, if one believed in God, one might say that God had become competitive and decided to show the killers — The killers in uniform and the terrorists cloaked in secrecy, what a real killer can do...

For more than half a century the world has turned a blind eye to the political problems of Kashmir. It must not now turn its back on the Kashmiri people. If the flow of aid does not increase at once, it is probable that more people will die in the earthquake's wintry aftermath than have perished in the quake itself. It is entirely possible that the final death toll will be greater than the tsunami's. We may be looking at the greatest natural calamity in human history....

But in this case we have the power to avert it... [but] If we fail, because we are tired of disasters or because Kashmir is far away, remote and quarrelsome, and doesn't feel like our business — Well, then, shame on us...

Excerpted from *Quake Tests Kashmir And The World*, The Toronto Star, Nov 8, 2005



an early eye-witness account...

October, 2005. *Kashmir has had a long spell of terror and uncertainty for a number of years. However, we can say these were caused by humans and was, in a strange way, still under our control. When the earthquake struck, however, the pain was looked at from a different light. This time, nature herself had decided to bring out her worst self, killing thousands. When nature decides to spread pain, no force on earth can stop it. This is what came into my mind on a pleasant October morning when I was in Srinagar as the earthquake hit. The tremors went on for five minutes and I remember being utterly shocked, disoriented and extremely worried. It seemed so unlikely at first that it was definitely an earthquake, and not me feeling dizzy. I was talking to a friend at the time and I remember shouting into the phone that I was sure the ground was shaking. My entire trip changed after that. We didn't know for sure the magnitude of the damage, but the television was always on with updates of deaths and ongoing news. A layer of depression settled over the house. No one talked much and we found ourselves sitting in corners with the heater on, waiting... I'm not sure for what.*

The same day, my father went to a neighbouring town, Baramullah, to do some research work. At first I didn't want him to go as we had heard it was completely destroyed by the earthquake, but he came back saying it was mostly intact except for a few very old buildings and a school, which went down. It was a relief to hear that but news from other towns and villages came in of their death count and how many people were under the rubble. The main problem was that there were no means of getting the people from under the concrete, which gives you an insight into our government's sense of urgency. The following morning, my father and I went with a voluntary agency (along with many other private teams) to Uri, a town in the northern most part of the Indian side of Kashmir. It was said to be hit the worst, with about five hundred deaths, counting. We bought food, water and some first aid and went up in the mountains. There were several rescue teams which had gone up earlier and were on their way back as well as military convoys with aid, causing a jam. One car was stuck and caused about five hundred cars to be stuck on a road in the mountains which was half a kilometre wide. The location was along the LoC which divides Kashmir above the gorge of the river Jhelum as it winds its way out of Kashmir into Punjab. On the way we could see buildings had crumbled with a few standing pillars or walls.

The sight was terrible, but we still hadn't seen the worst- homeless people sitting on the mountainside asking for just a bit of water, for the topmost village in Uri, high up in the mountains, had been deprived of water because their 'chashmas', or streams had been poisoned by eruptions by the earth, and had now turned black. The village Sultandeki was completely destroyed. It had about eight hundred houses to start with, and each one had fallen. Just one mosque, which probably had a foundation strong enough to handle the impact of the earthquake survived. It was not cold in the daytime, but nights were freezing and these people didn't have any woolens or blankets. No governmental help had reached this village, even though it was only five miles north of the main town of Uri, which was swarming with reporters and rescuers, and it had already been two days since the earthquake had hit. What was our government doing? Each official was probably signing each equipment or aid document order and then sending it down to the lower ranks. I remember when I came back to Delhi four days later, the government still hadn't reached that village. The police force was just as bad - Sultandekhi's chief police officer didn't know what the real crisis was and was asking the surviving villagers what they needed (remember, this was two days after the earthquake). It's quite astonishing as to how slow the people in charge responded to the calamity. I came back to Delhi without my father, for he had to complete some work there. I remember being in a daze, my mind full of images of injured children or dead people being carried away on stretchers. The look of desperation, helplessness and hopelessness of the people of Kashmir has left a strong impact on my mind, and so many of our daily troubles now seem utterly trivial.

UPDATE / DOWNLOAD



legislative reform comes home

hindu succession (amendment) act 2005

In the January - April 2005 issue of Saheli Newsletter we discussed in detail the gender-based disparities prevalent in the Hindu Succession Act of 1956. It was also pointed out that there has been a dire need to amend the Act so that women can get equal rights in land and other property. The present government's initiative and the efforts of women's organisations and individuals in this regard were also highlighted in the same issue. As a result of all these efforts, the Hindu Succession (Amendment) Act 2005 has been passed which has deleted the gender discriminatory clauses on agricultural land. The amended law achieves the goal of gender equality with regard to agricultural land, Mitakshara Joint Family Property, daughter's rights in parental house and rights of widows in property.

The most important achievement of this Act is that it deletes Section 4(2) of the Hindu Succession Act (HSA) 1956. According to Section 4(2) significant interests in agricultural land were exempted from the purview of HSA, the inheritance of which was subject to devolution rules specified in state-level tenurial laws. Many of the state-level tenurial laws have been found to be highly gender unequal because male descendents have been given primacy over women. The 2005 Act brings agricultural land at par with other kind of properties and thus, gives Hindu women in all the states parity with men in landed property. It is hoped that lakhs of women will benefit as a result of this amendment.

The second important achievement of the Act is that its inclusion of all daughters, especially married daughters as coparceners in joint family property - a dramatic departure from the earlier law. This means that the daughters by birth will get an equal share in the ancestral property at par with sons. They can also ask for the partition of this property and can also be the managers of this property. Thirdly, under the new amended law, all daughters will have the same rights as sons to reside in or seek partition of the family dwelling house. Earlier married daughters (unless separated, divorced or widowed) did not have this right. The right to demand partition of the dwelling house was absolutely not given to the daughters under the Hindu Succession Act of 1956.

Fourthly, the amended law deletes Section 24 of the Hindu Succession Act of 1956, according to which certain widows, such as those of the predeceased sons had no rights of inheritance in the ancestral property, if they had remarried. The new law gives rights to these women too.

Thus, the amended law seeks to end most of the inequities prevalent in property rights. Though there continue to be many doubts about the effectivity of the amended law, it is significant that because of these amendments Hindu women have definitely got legal rights in landed property that will have far reaching implications. But certain anomalies continue to persist.

The amended law seeks to end most inequities prevalent in property rights for Hindu women.

ANOMALIES IN THE AMENDMENTS

The amended law still does not limit the Right to Will. In the discussions that took place during the process of bringing in the amendments to the HSA 1956, serious consideration was given to the question of whether we could, or should challenge the unlimited right to will away property. Some women organisations had at that time strongly recommended that some restrictions should be put on this right. But this was not accepted by the government. As a result, given the Indian social context of the prevalence of gender biases towards son and against daughters, there remains the possibility of families/men actively disinheriting women through their Will, and thus negating all the achievement of this amendment process.

Secondly, the 'Mitakshara' system has not been totally abolished. As a result of this, in many states the share of widow in ancestral property of the family would decrease in comparison with the

daughter's share. Bina Agarwal, one of leading researchers on the issue, who has done in-depth study of the rights of women in landed property has recommended that 'Mitakshara' system should be totally abolished.

TASKS FOR THE FUTURE

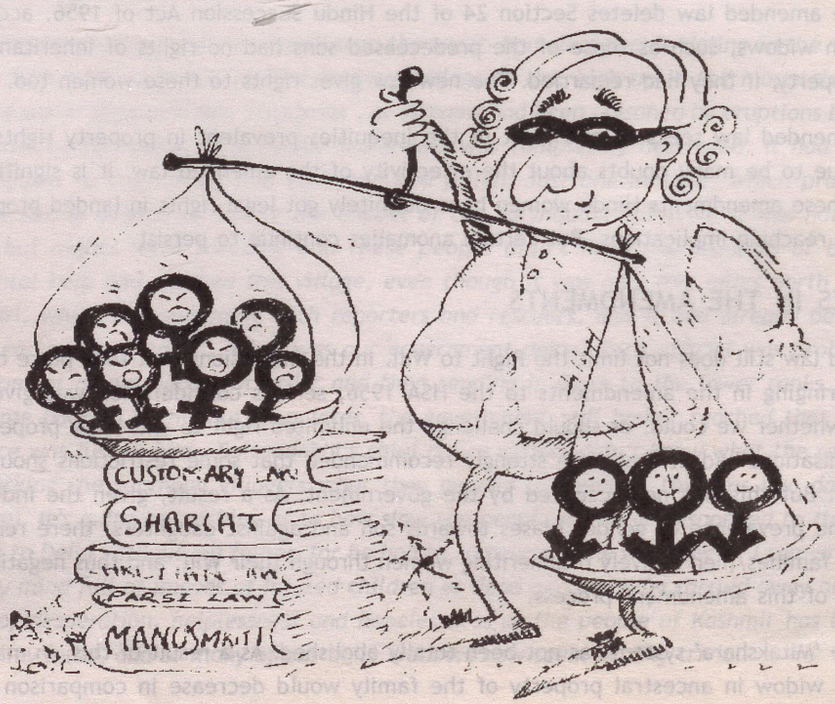
Despite these anomalies, the 2005 amendments open up immense opportunities to lakhs of women who will benefit from the equal inheritance law. But only Hindu women will get these benefits. The non-Hindu personal and customary laws relating to property and inheritance, especially those dealing with Muslims and Adivasis, will continue to remain gender unequal.

Muslim women are governed by Muslim Personal Law (Shariat) 1937. This Shariat law protects Muslim women's share in family's property because according to this law, daughters and widows cannot be deprived of their share in property in any case. This law puts restrictions on the Right to Will with a view to ensure the rights of women in property, though the share of women has always been less than that of men. In addition, agricultural land has been kept out of the purview of this law. As a result, inheritance in landed property is governed by local customs, tenurial laws etc. which are highly unequal and most often, against the rights of women. Though in some states efforts have been made to make amendments in such laws with a view to protect Muslim women's rights in land, yet in states like Maharashtra, Gujarat and West Bengal, even in the absence of such amendments, the Shariat Law is being implemented. But in most other states especially in northern India, extremely unequal tenurial laws remain in operation.

Tribal women are also victim of this kind of discrimination. In tribal areas, the tribal communities are governed by their own customs and traditions which discriminate against women. Even the limited customary land rights that many tribal women enjoyed historically have been eroding. State governments' attempts to codify these customary laws have been opposed by women's groups because these efforts did not take note of the inequities prevalent in customary laws.

In view of the above, many organisations and individuals have decided to send a memorandum to the government demanding improvement in the rights of Muslim women in inheritance by amending the Muslim Personal Law (Shariat) 1937, with a view to bring in agricultural land within its purview. It also asks for codification of customary laws of tribal communities on the basis of gender equality. The goals of gender justice and equality and the livelihood and empowerment needs of women make it mandatory for government to initiate above mentioned measures.

Though there are doubts about the efficacy of the amended law, it is significant.



legislation on domestic violence finally, a step forward



The issue of domestic violence and the debates around the Domestic Violence Bill have been reported in earlier issues of the Saheli newsletter. In this issue, we will focus on the Bill recently passed by Lok Sabha on 22 August 2005. The drafting of the Protection of Women from Domestic Violence Bill 2005 and pushing it through Parliament has been possible only as a result of a sustained campaign by the women's movement over past decade.

Women's groups that emerged in the late 1970's and early 1980s found, in the course of their work, that a major dimension of violence against women remains hidden because it occurs within the confines of marriage and family. A deafening silence surrounded the issue of domestic violence, which, occurring within the "private" space, was seen as "acceptable" by the patriarchal social structure. Thus, a public discourse on domestic violence was extremely difficult. Besides, police, the judiciary and society insisted on viewing domestic violence only in the framework of dowry demands, or else as a "personal" problem that could be dealt with through "adjustment" and "compromise" on the part of the woman. While a majority of women subjected to domestic violence silently tolerate it, seeing no viable options in life, whenever women's groups have raised the issue of domestic violence, or the strengthening of legislation to deal with this crime, we have been labeled as "home-breakers". More alarming is the fact that while many facts surrounding domestic violence do not come to light, statistics reveal that every six hours, a married woman loses her life in her in-laws home. According to the National Crimes Record Bureau, domestic violence accounts for 36.1% of all registered crimes.

As a result of pressure from the women's movement, the 1980s witnessed reform in laws relating to dowry, and the introduction of two new laws in the Indian Penal Code: Section 498 A and Section 304 B which ensured that violence from the husband and in-laws came under the purview of criminal law. Although these provisions were broad and included a wide range of violence, the police and courts continued to equate domestic violence with violence related to dowry demands.

As a result, if an affected woman was unable to prove that the violence inflicted on her was because of dowry demands, her complaint was not given any credence. This also led to the woman's family members linking all violence to dowry demands - which could not always be proven correct. On the one hand, women were accused of registering false cases, and on the other, they were unable to prove the existence of other forms of domestic violence that were widespread as well as socially sanctioned.

Women's groups thus felt the need for a law on domestic violence that recognized all forms of violence within the home, which would provide a legal as well as social recognition for the seriousness of domestic violence. In 1991, the Lawyers Collective drafted a model Bill on Domestic Violence. The objective of the Bill was to give a legal recognition to domestic violence; create a framework for redressal and relief from such violence and raise the issue of women's right to matrimonial property. The National Commission for Women in 1994 came up with its own Bill (based largely on the Lawyers Collective Bill) and submitted it to the government. This was the first time that in addition to criminal provisions, civil provisions were put forth for relief from domestic violence. The definition of "domestic violence" was broad, and included four new components in addition to 'cruelty' defined in Sec 498 A. These new bases were: (i) harassment that causes distress to a woman(ii) forcing a woman to have sex with her husband, any member of his family or any other person (iii) any act that harms the dignity of the woman (iv) any other act of omission or commission which is likely to cause mental torture or mental agony to the woman. The Bill provided for any affected woman to approach the court for a 'protection order'. Such an order, ensuring that the violent husband/in-laws would be stopped from continuing their violent acts, would also enable a woman to continue to live with her children in her matrimonial home. Alternatively, the order could also be used to get the court, husband or his relatives to provide the finances for the woman to live separately. (The Bill also contained a provision that a new Section 498 B be introduced, which provided for a sentence of 3 years and fine for those guilty of domestic violence.

Several years passed before there was any response from the government on this issue. However, the discussions among women's groups and in other forums continued, and there was a concerted attempt to influence public opinion on the subject.

In 1999, another draft of the Bill was put forth by Lawyers Collective. The need for fulfilling the immediate needs of women survivors of domestic violence was stressed anew. Civil remedies for women were laid out in a detailed manner. The Bill provides

women with protection such that, if they are forced to leave their homes as a result of domestic violence, they do not leave empty-handed. The Bill does not limit itself to wives and daughter-in-law as victims of domestic violence, but extends to sisters, daughters, mothers and widows. A significant aspect of this draft of the Bill was that it goes beyond the concept of a "matrimonial home" to a wider definition of a "shared household" to include non-marital relationships within the household and the need for legal protection in case of violence in these long-term domestic relationships which are not based on marriage.

A new provision in the Bill is that it puts the responsibility on the government to appoint a "protection officer" in every district/ ward whose duty it would be to ensure that a woman victim of domestic violence has immediate access to medical help, implement the "protection order" and extend all possible support to the woman. The main purpose of these provisions was to ensure that women are safely removed from situations of domestic violence, and can be assured that they will be free from the violence in future also. In case of violation of the "protection order", criminal proceedings could be instituted. While civil remedies were prioritized, criminal remedies were to be used in case of any obstacles to implementing the civil remedies. However, the Bill does not aim to replace Sec 498A, but only supplement it.

Another new aspect of the Bill is the "Accredited Service Providers", meaning the government or non-government institutions that provide a range of services to women survivors of domestic violence. The Protection Officer has the responsibility of publicizing these services and ensuring that affected women are able to access them. The objective of the Bill was not to replace Section 498A but it was to be in addition to that.

According to this Bill, domestic violence was defined as any action or behaviour that harms or injures or has the potential of harming or injuring the health, safety or well-being of the person aggrieved or any child in the care of the person aggrieved or in her environment and includes physical violence, sexual violence, emotional, verbal and psychological abuse and economic oppression.

Despite all these efforts and process of working on the Bill, in 2001 when the Government of India finally acted and brought in a Domestic Violence (Prevention) Bill, 2000, it not only disappointed the women's organizations and activists but actually was a shock for them. This Government of India Bill contained many dangerous provisions. These provisions were nowhere near the recommendations of the women's groups as contained in the above mentioned Lawyers Collective Bill. (For details of the GOI Bill See Saheli Newsletter May-August 2002.)

Such regressive state response led to another phase of nationwide campaign wherein many discussions and presentations comparing the GoI and Lawyers Collective Bills were held all over the country. Many press conferences were held and meetings with the Law Minister took place. Women's groups released statements against the GOI Bill and wrote letters to the Law Minister. On 29th April 2002 a national level meeting was held, where the need for a civil law on domestic violence was emphasized and decision was made to send memorandums to various ministries protesting against the GOI Bill.

With the dissolution of Lok Sabha in 2004 nothing went further on this process. After the new government was formed once again the issue was raised with them. Meetings all over the country were held and another draft of Domestic Violence against Women (Prevention) Bill 2005 was made. This was mainly drafted by the Lawyers Collective and many other women's organizations and is based on the 1999 Bill mentioned above. The Bill got cabinet approval on 23rd June 2005 and was passed by the Lok Sabha on 22nd August 2005.

The emphasis in the law on domestic violence is to stop the violence, and ensure the right of a woman to live in a violence-free home. Simultaneously, space be created for her to take decisions about her future. It seeks to articulate women's aspirations and rights and also to give concrete shape to these rights. It has been only after one long decade that the Bill has now been passed. This is a significant time for the women's movement, since it is for the first time that domestic violence has been legally recognised, and remedies to tackle it been legally accepted. But it is equally clear that there is a long battle ahead. The women's movement has seen legislative reform as one part of the struggle against patriarchal institutions and norms, recognizing that it is not sufficient. The struggle must go on at various levels:

to begin with, the silence around the issue of domestic violence must be broken, and there must be more public discourse on the subject; to raise women's self-esteem and confidence and bring them out of the mode of self blame and guilt. At the level of the Bill, it is important to ensure that the systems being set up work for women affected by domestic violence. This will only happen through consistent monitoring and pressure on this machinery to make it function effectively, in a timely manner, and without anti-women prejudices and notions. The government will have to set aside a separate budget for this.

For the women's movement, although several questions remain about the effectiveness of legal reform, the passing of the Bill has been an unprecedented step, and ensuring its effectiveness is a challenge for the movement.