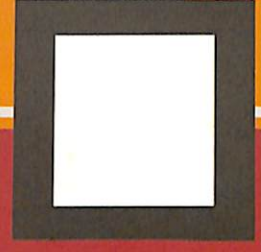


women
issues
and
perspectives



WOMEN issues and perspectives

Edited by
NEETA SHARMA
ARINDAM BORKATAKI

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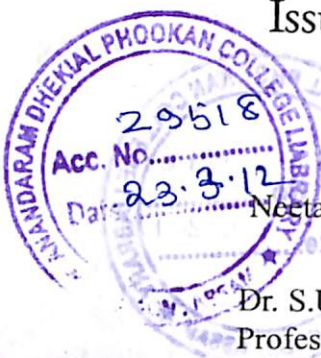
Compiled & Edited by

Neeta Sharma
Arindam Borkataki



ANANDARAM DHEKIAL PHOOKAN COLLEGE

Women Issues and Perspectives



Edited by

Neeta Sharma, Arindam Borkataki

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SOUL

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MESSAGE

It gives me immense pleasure to know that A.D.P. College is going to publish a book on 'Issues of Women's Rights and Empowerment', with the financial assistance from Women's Study Centre, A.D.P. College, Nagaon.

I wish all success in their mission and hope the said book will be immensely beneficial to all concerned.

A handwritten signature in black ink, appearing to read 'O.K. Medhi'.

(Prof. O.K. Medhi)

Date : 25.08.2011

Editorial

(I)

"You exclude women, you fail,
You empower women, you empower a nation
Women never forget that
Life is our most precious asset."

– *Michaëlle Jean*, Canada

Towards the end of the twentieth century, the topic of women empowerment has no longer been confined to the emancipation of women only. It has come to be an indispensable necessity of the overall progress and all round prosperity of humanity as a whole. This has been realized in the leading developed nations of the world and hence both men and women together have put their feet forward towards this realization. But in third world countries like India the very concept of women empowerment is still confined to the realms of women's emancipation. So in such countries, the issue of women's empowerment still reflects the picture of a woman's hopes, aspirations and ambitions. But for our traditional rules and customs and our social philosophy, the ambitions and aspirations of a woman are yet to take the shape of social protests or rebellion. Whatever little spark of enthusiastic protests is seen and heard is confined to a level of individual and personal realms and we wish and hope that the time is not far away when such protests will adopt the lingo of social desires and aspirations.

As far as value and importance is concerned, there cannot be any distinction between male and female- the very concept of feminism grew out of this view and still continues to do so. To deny

the existence of male and female as separate entities and to establish the concept that they exist as human beings and so should be entitled equal human rights, has always been the aim and motto of feminism. In John Locke's book "Second Treatise of Government" published in 1689, the necessity of a woman's social status and recognition was discussed upon through a study of the institutions of marriage, family etc. The truth that, 'two human beings bound together by the institution of marriage, are actually companions to each other and they must be placed equally and have liberty', was stressed upon for the first time in Locke's book. Individual liberty is important because it paves the way for social progress. J.S. Mill marked out three broad areas of individual freedom : the 'inward domain of consciousness' meaning that liberty of opinion and feeling on all matters whatsoever should be absolute; 'liberty of tastes and pursuits' which is defined as 'doing as we live.... without impediment from our fellow creatures even if they should think our conduct foolish, perverse or wrong; and lastly the freedom to combine for any purpose not involving harm to others.

However, about a hundred years after Locke, French philosopher Condoreet in his book, "Admission of Women to Full Citizenship", presented logically the need of endowing a woman the complete liberty as a citizen of a state. It is noteworthy that all these people who spoke in favour of considering a woman as a human being and giving her, her due social identity, were male. But women needed a woman to protest against the realisation that a woman was no more than a "sexual being" in the eyes of men; and this was made possible by Mary Wollstonecraft in her book-"A Vindication to The Rights of Women", published in 1792. With these three books as foundations, feminism, with different schools of thoughts like-individualistic feminism, socialist feminism and radical feminism, has today become a philosophy of life.

(II)

The reality and experience of women's lives invariably remains invisible to men and women alike and this invisibility persists

at all levels beginning with the family to the nation. It's true that geographically as human beings, men and women share the same space but in reality their worlds are different. Though women are said to hold half the sky, but this does not seem to give them their deserving positions of dignity and equality. The afflicted world in which we live is characterized by deeply unequal sharing of the burden of adversities between women and men. Inequalities persist in a sprawling manner in their access to education, healthcare, physical and financial opportunities in the political, economic, social and cultural spheres. The impact and result of this inequality is reflected in the status of women throughout the world and also in India.

The title of Simone de Beauvoir book "Le Deuxièm'e Sexe" (The Second Sex) published in 1949 implies- the starting point is the implicit inferiority of women, and the first question de Beauvoir asks is, "What is a woman?" Women she realizes is always perceived of as 'other', "she is defined and differentiated with reference to man and not him with reference to her." In her essay, "Women, Myth and Reality", de Beauvoir writes, "A myth is invented by men to confine women to their oppressed state. For women, it is not a question of asserting themselves as women, but of becoming full-scale human beings." Beauvoir wrote, "One is not born but rather becomes a woman," or as Toril Moi puts it, "a woman defines herself through the way she lives her embodied situation in the world, or in other words, through the way in which she makes something of what the world makes of her." Therefore it is necessary that woman must regain subject to escape her defined role as 'other'.

It is true that over the years women have made great strides in many areas with significant progress in reducing some gender gaps but yet we have a long way to go. When we talk of women empowerment it does not mean giving them a lot of political, social or economic power literally because the very concept of power is abstract. Power is what power does. So empowering a woman

should rather mean- giving her the liberty to take decisions and she should have every access to information and resources for taking proper decisions. There should be a range of options from which choices are to be made. She should have the ability to exercise assertiveness in a collective decision making process and should be able to earn the weight of her reason. Positive thinking along with the ability and opportunity to learn skills for improving one's personal or group power is necessary for a woman to steer forward on the road to success. Her ability to change other's perceptions through democratic means has to be recognized and she herself should be able to increase her positive self-confidence and image. She has overcome all kinds of stigma related to her life. The best thing a woman can say to herself is : "I have the right to a dignified life." The emerging new woman is contemplative about her predicament and chooses to protest and fight against the general accepted norms and currents and they are also ready to face the consequences of their choices, whatever it may be.

The nobel-laureate, Rabindra Nath Tagore, assessing the worth of a woman wrote, "I am no goddess to be worshipped or the object of common poetry to be brushed aside like a moth with indifference. If you desire to keep me by your side in the path of danger and daring, and you allow me to share the great duties of your life, then you will know my true self."

A full-fledged women's study centre' was initiated in A.D.P. College with financial support and guidance from UGC on 27th Jan, 2011. UGC has played a significant role in promoting women study centres in the Indian universities and colleges.

The women study centre of our college had decided to publish a national level book on women empowerment and hence this book "Women Issues and Perspectives." We take this opportunity to express our thanks to all the writers who have gracefully contributed their articles to our book. Their writings have been published in this book without any editorial touch.

Neeta Sharma

A few more words...

The issue of women's role in the scenario of political conflict needs a very thorough and newer approach every time. In the whole political drama of conflict in the North East region of India, the role of women as subject, the collateral and actor and their status whether in centre or the periphery hold higher significance. The agencies and actors had always delegated the role of a mere catalyst to the women in the whole political conflict scenario where either it has been used to infuse mass psychosis of fear to disband movement or to graner human sentiments or emotions to strengthen political mobilization. In both the cases the treatment to the issue has been patriarchal. Trying to answer various questions of deliberate choosing of the women in conflicts as a soft target and the attitude to all structural actors, this book also attempts to provide comprehensive analysis of the gender angle in all its varied aspects in the context of Women of North-East. Highlighting a host of issue managing from human rights of women in 21st century, political representation of women, women in advertisement, witch haunting, the whole gamut of rhetoric of women empowerment, the articles of the book particularly shed light on the dynamics of patriarchy in the backdrop of conflict ridden regions. The most striking feature of this volume is that most of the writers are not armed chaired intellectuals, they are activists cum intellectuals who have clear understanding of the ground and highly rich in terms of experience.

This volume has been made possible by valuable contribution and enormous help by a few people without whom the completion would have been a distant-dream. Of particular mention is the relentless help by our friend Dibyajyoti Bora, secondly, Dr. Gopa Joshi and eminent filmmaker Mr. Pankaj Butalia, deserves mention here who rendered their support by providing guidance and advice. We are also greatly thankful to Utpal Phukan, Pritisha Bora, Pratap Sing Bisht of 'Sambhavana' and Nancy Van Braam. We hope people will like our effort.

Arindam Borkataki

Date : 09-09-2011

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WOMEN EMPOWERMENT : A REVOLUTION

Prof. S. K. Varshney

To have a world wide impact let us start a revolutionary process of Spirituallegalism to restore world peace. [A Tribute to Humanity S.K. Varshney]. The discussion refers to women Empowerment as global issue.

*Wait for the turn
Western or the Eastern
Right for the Left
Ought to get set.*

Severe pain brings forth greatest pleasure is the story of spirituallegalism in the present century.

Right from Hedonism Human MIND has moved towards Spirituallegalism to start a process called Love Life Law. Its the grund-norm of Spiritual School of jurisprudence. This very thought which has emerged from our mind is capable of empowering total self to reach the realm of super self. Its divine consciousness of the self, which as a school teaches us the first lesson of care, concern and compassion to remain kind towards all fellow being. Humility shall always be full of truthfulness and nonviolence. For eternal peace we shall have to practice the aforesaid two principles in its precise form. Remember end of violence always begins with over all good sense. The triumphant march of liberal democracy in all parts of the globe

has aroused the collective conscience of the people to shed regimentation and unleash forces that have a liberating influence upon society, its polity and economy. It is this anchoring of modern life on democracy and increasing exertion of human rights irrespective of caste, colour, creed man-woman etc. Human rights as a global issue is the most significant aspect therefore save Earth is the slogan. Violence is a serious deterrent to development therefore its most relevant aspect of human rights issue. For this very reason the Vienna Accord of 1994 and the Beijing Declaration and the Platform for Action (1995) have acknowledged this. The United Nations Committee on convention on Elimination of All forms of Discrimination Against women (CEDAW) in its General Recommendation No. XII (1989) has recommended that State parties should act to protect women against violence of any kind especially that occurring within the family.

Protect Personhood to maintain human dignity is the philosophy of 21st century [Philosophy of 21st century: S.K. Varshney]. 'No man no woman, only human' is the spiritual slogan in the material world to end all kind of violence. Violence is the issue, today, therefore combat violence unitedly with zeal is the final appeal. Pursue the process set by Spirituallegalism of Spiritual School of Jurisprudence where LOVE is taught as a subject (MIND: S.K. Varshney, page 2). Remember freedom is a goal where human dignity happens to be right score on the virtuous path of righteousness.

Protect self from VIOLENCE for over all development which is soul-mind-body integration as explained by each verse uttered on globalindology.com.

Man and woman are the two power wheels to pull the Life-Chariot. Spirituallegalism as Love Life Law is the SOUL to operate upon the supreme cosmic system. The aforesaid eternal process is the cause to produce specific effects on the causation chain. Social security legislation is the one and only sensation for the basic law as constitution. Protective legislation as a basic structure shall provide all that is required to save Planet-Earth from death, disease and disaster. Therefore we shall make worldwide efforts in the name of U.N. conventions and SAARC relations for human rights for both man and

woman of course with top priority of women/s issue in the global agenda. The South Asian Association for Regional cooperation (SAARC) had declared 1990 as the year of the girl child. The question is what we have achieved on the issue of Gender justice since then. Find the answer within is the quest of 21st century for over all peaceful and tranquil coexistence.

Let us move to the history of human rights which is present contemporaneous to the development and evolution of early man to status of a person, for the personhood concept of the present century. Preet Philosophy of Spiritual School of Jurisprudence is a constructive step towards this adventure in the present century. No doubt the long stretch of years from the time of *pithecanthropus erectus*¹ to the present day it is a take of incredible sufferings culminating in gross violations of Human Rights. The question arises as to what are the tools to shape Human Rights in the present State of Nature in the globalized system of self-mind-body. Remember Human Rights as a test for every body shall pave the path of righteousness for much more better revival and effective survival of the human kind on the planet [A Tribute to Humanity: S.K. Varshney]. The Study of Human Rights Spills over to many intellectual discipline like Psychology, Anthropology, Philosophy, Political Science Humanities and of course Law and Constitutional Administrative Studies. It can never be forgotten that in each age exploitation of man by man is the continuing refrain that runs through countries and continents under whatever label of race, religion, colour or purely imperial designs. Plato's search for the ideal state his emphasis on justice; feminism and Eugenics are features of universal quest. Philosophy of 21st century as Spirituallegalism theory of a new school of thought is the end of quest to assume an eternal process. The process universal has been labelled as three 'L' adventure, to glide over the cosmos as a whole.

That flame of idealism as in the heart of Plato for search of justice and its failure still burns in the mind of right thinking men and women today finding a firm foothold in the realm of pragmatic world where spirit rules the substance to find better human existence. No

doubt the movement of Human Rights firmly establishes its pre dominance in the present century.

As a student of legal theory we have undergone a great transitional period from gruesome depiction of cruel violation of Human Rights to the Lockean compulsions of social contract found its justification in protecting Human Rights of life and liberty against recalcitrants causing danger from within and without.

Spirituallegalism is the tool devised to protect and promote Human Rights in the global village of 21st century. As Montesquieu found in the separation of powers the best guarantee of liberty and fundamental freedoms so is Preet who finds solace while moving on the pendulum of Love Life Law process. To me the separation of powers doctrine ensures people's basic rights by imposing healthy check on the despotism of the government.

Globalization of Human Rights

After the Second World War genocide has been declared a crime under International Law. The Nuremberg trial has classified three categories of offences as crime in International Law: Crime against Peace, War Crimes; and crimes against Humanity.

The covenant on Civil and Political Rights, 1966 is a giant step towards realisation of Human Rights against age-old prejudices. All this has been possible due to the Universal Declaration of Human Rights that were unanimously adopted in 1948 which formed a firm foundation of Human Rights.

Some of the major constitutions of different countries not only declared in their revolutionary fervor certain 'inalienable rights' such as life, liberty and the pursuit of happiness as examples of enforceable Human Rights. The ninth amendment of US constitution provides 'that enumeration in this constitution of certain rights shall not be construed to deny or discharge others retained by the people.' This provision opened up wide recognition of natural and Human Rights for legal protection under the constitutional umbrella of Personhood in the present century.

The concept of Human Rights stems from a divine source namely 'Ved-Brahman-Brahmanda' (Shiv-Shakti) in Hindu Vedic Sanskrit known as 'Bharatvidya' (Indology). This Divine source is much above man-machine and matter. The concept of Human Rights has a divine source of supreme dignity who we know as the God Almighty. The Greeks believed that God established law and stood above the obligation and interdictions imposed by the rules of the community.

[Natural Justice: S.K. Varshney Supreme Court Journal A.I.R. page]. Thus Natural law² idea laid down that man has insight which reveals his goodness and is also a basis to judge the law. It is eternal, immutable conscience which emanates from God the super self. From time immemorial people lived in groups or clans for safe survival. The head of the family that is Patriarch had exclusive right and individual had no right as such. The agnatic patriarch thus controlled and regulated their lives at his discretion with little concern for their basic rights. Society at that stage and even today has one common features and that is urge to live in groups. Group living is a culture it self. Nomad living is an adventure great to find and discover a new place for more space to accommodate. Aristotle believed that only God could live alone with the passage of time, Patriarch imposing his supreme authority by exploiting and subjugating the less privileged with little concern for their Human rights. This gave birth to slavery- an institution common to all people of antiquity. They had no rights, no property to use and enjoy, as they were considered to be the property of others. It must be noted here that western society had considered women as chattels for a long time. Women degradation started since then till date. Slowly this approach widened the gap between the have and the have nots. Each line I write is a signal to protect self from death, disease and disaster is the eye opener. The three aforesaid D's give us alarm so that we do mend our ways and learn to put self on the path of righteousness for once and ever. Achieve the goal yourself need not wait for the saviour to come and to end to bring an all the sufferings. The concept of justice is an essential feature of Love Life

Law process. It defines human thoughts and guides us in every aspect of life. Life on a pivot operate upon and takes us towards the two: namely Love on one side and Law another. Justice is an integral part of our nature and it is at the very core of our desired existence. Human nature is testimony to the fact that each one of us prefers justice and abhors injustice.

A defining corollary to the concept of justice is the belief in a saviour - a messiah (prophet) who will ultimately put an end to all suffering and injustice. Belief in such an 'Awaited saviour' is at the core of Hinduism, Christianity, Islam and Zoroastrianism, while the 'Saviour' is known to us by different names, the conditions necessitating his appearance, as recorded in scriptures, are strikingly similar.

Hindu scriptures speak of the 10 avatars or incarnation's of Vishnu which would appear over the time. While nine of these are believed to have appeared, Kalki, the tenth avatar, would return to earth to establish righteousness and judgment. The scriptures say, 'This incarnation of Vishnu is to appear at the end of Kaliyuga ... for the final destruction of the evil, the renovation of creation and the restoration of purity. Personhood era is the symptom for the tenth incarnation.

Concept of Natural Justice vis-a-vis Human Rights : Men and women are to be treated alike in the society today as self is the first principle of NATURAL justice.

Educate, agitate and organize, Follow it as a piece of advice.

All of us do not have equal talent, but all of us should have an equal opportunity to develop our talents. The principle of equality does not destroy the imagination but lowers its flight to the level of the earth. I look upon all creatures equally; none are less dear as to me. Therefore I say don't injure any one rather love some one. Love Life Law is eternal process that which takes us to a State of Salvation i.e. ultimate goal of human conduct. It forms conduct and character distinguished by the sense of equality among all beings. By nature men and women are pretty much alike; its learning and practice that sets them apart. First principle of Natural justice relates to best man and woman

equation. As they are the first and foremost creation of God as Adam and eve.

[An error 'Apparent on the face of Record. [Natural Justice: S.K. Varshney A.I.R., S.C. 1970, page 21). The Andhra Weekly Reporter 1972, page 24]. Let us adhere to first principle of Natural justice where man and woman are treated alike on human psyche called consciousness. Follow the principle 'no woman, no man only human." This concept of justice is the backbone of Law and justice correlation. It can be traced from Bibilic Garden of Eden where God hath given both man and woman right to defend self in the Divine realm of materialism full of freedom to exhibit self confidence as humility and compassion. I remember to have heard it observed by a very learned man upon such an occasion where equal opportunity to make defence was provided. The God himself did not pass sentence upon Adam, for he was called upon to make his defence. Adam (Says God) where are thou? Hast thou not eaten of the tree where of I commanded that those should not eat? and the same question was put to eve also. [Ibid. p. 24] The doctrine of natural justice is the result of a natural evolution. In English law, it is the product of the genius of common law and the work of the law courts, being a part of the common, law, it can only be altered by statute and having a content fundamental to judicial proceedings its exclusion will have to be expressly provided or clearly indicated. It deals with the regularity of curial methods. Being implied conditions for regularity, its violation will be considered error of law it being a flouting of a part of the principle of common law.

For the protection of human rights:

Application of the Principles of Natural Justice in India

In India the desire for protection of Human Rights particularly for women - seems to have sprung up from the nineteenth century. The need was expressed in various resolutions passed at the successive sessions of the Indian National Congress. At the inauguration of the constitution in 1950 many rights in their favour were incorporated.

The most important of them may be noted as under : (i) Part three of the constitution guarantees the fundamental rights of men and women (ii) Art. 325 provides that all shall have the right to vote irrespective of sex. This is how women in India had acquired rights political, economic and social. Together with it further certain constitutional amendments to the constitution specifically states thus: It shall be the duty of each citizen of India to renounce practices derogatory to the dignity of women. Similarly, 73rd Amendment to the constitution makes provision for the reservation of one third seats in all stages of local Government for women. Apart from this the general principle of gender equality is also enshrined in the Preamble to the constitution, Fundamental Duties and Directive principles.

Remember: Its human mind which has to tackle 'Inequality' as a global issue on gloabalindology.com. [*Global Indology : A Revolution Chap. 3: S.K. Varshney*]

A turn inward is the best guide to another world. Enter the inner self the supreme realm to unfold the discretionary aspect of your own self which has all the three powers namely: Legislative, judicial and administrative. Explore the inner-outer world as Love Life Law process.

*See feel or touch
Love Life Law a search
Plant or animal
Are governed by smell.*

The five senses are the best equipment. Micro Macro or multi disciplines i.e. all are sciences with legal management. Tips, toes and Touch (Skin) are the tools of life's long research on love life law process. As all organism are destined to move fast. Go ahead irrespective of colour, creed or cast.

No doubt historical pronouncements of philosophers political leaders and thinkers who asserted that government must be based on the consent of governed thereby implying that right to live is inclusive of the right of others equally placed and circumstanced to live as human beings and be subjected to a human treatment. However, the

real development of contemporary human rights jurisprudence started during the 19th century and continued in the 20th century. Philosophy of 21st century as spirituallegalism has paved the way of new wave thinking as Love Life Law where immutable principles of justice, Equity, good conscience are reinterpreted as eternal and inviolable thereby shattering all evil causing VIOLENCE in the present day world. Each verse on globalindology.com expressed by the author is a determination to reaffirm faith in dignity and worth of human person, to provide equal rights of men and women. It pledges to promote social progress and better standards of life in larger freedom. Take the lead to sow the seed of personhood and grow a spiritual tree to provide world wide wisdom as incorporated in the three L's theory of spiritual legalism.

An explanation of the theory : Love Life Law

Right from inception the History of human rights the Preamble to the charter of the United Nations express their determination to reaffirm faith in fundamental Human rights, in the dignity and worth of human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom. Concept of human rights in America has recognized dignity and worth of the human being irrespective of his race, caste, colour creed, language or religion. The U.N. charter though did not import any right to the individual against the oppressor yet it no longer considered the violation of Human Rights by the state as a matter of domestic affairs and has become an integral part of **new human right jurisprudence**, for the 21st century. The roots for the protection of the rights of human beings may be traced as far back as in the Babylonian Laws, Assyrian Laws, Hittite Laws and in the Dharm of the Vedic period in India. Preet often refers to writings of Plato and other Greek and Roman philosophers while referring to Spirituallegalism - theory as Love Life Law. Since ages we are trapped in endless net work of inherent-natural rights and duties to explore the world of man - God and Nature. The eternal journey of mind could find a process in twenty first century in the verses written by Preet on

'Spirituallegalism.co. in of globalindology.com for masses and classes. Adhere to age old value system of human skill as MIND [Mind: S.K. Varshney].

*Mind a skill unusual
thanks for the kind perusal.*

We as human beings are indebted to above two lines therefore remain reasonable to assume worldly duties which are absolute in nature. Take care that you do not deprive a person of his human Rights. Not only that but you ought to help and assist those who are weak, freak and incapable of taking care of themselves. Help the weak. Its a sun-shine streak. Follow the light for a reasonable foresight. All assumptions are the rightful corrections therefore plan self as a great sensation. Be a leader number one. Divine mother as 'Jagat Mata' shall shower her blessings upon you so that you unite once and for ever on the platform of global indology net work

The concept of Human Rights stems from a divine source and is endowed with dignity. Preet believes as the Greeks believed that God established law stood above the obligation and interdiction imposed by the rules of the community. Its self which governs the society is full of inherent potential for **Natural law idea** which lays down that man has insight which reveals his goodness and is also a basis to judge the law. The 20th century witnessed a complete transformation of natural law from that of absolutism and individualism to that of social progress justice, equity and good conscience, it exercised a great formulative influence to make all men free and equal in dignity. In 21st century we have gone a step further in the direction of Human right for their total protection and preservation for all ages to come. First and foremost obligation upon human kind today is to maintain Love Life Law process in such a way that man and woman relationship gets utmost protection of a universal umbrella. The preamble to the charter of the United Nations express their determination to reaffirm faith in fundamental Human Rights, in the dignity and worth of human person in the equal rights of men and women and of nations large and small, and to promote social progress and better standards of life in larger freedom.

Remember: Spirituallegalism as Love Life Law is a human jurisprudence of the 21st century, We have landed in the land of spirituallegalism today which looks like garden of Eden where Adam and Eve are sharing their emotions on platform of equality to catch the train of justice, Equity and good conscience. This adventure is unique as rarest of rare where our mind says oh dear take more of care in Love Life Law distinctive affair. Move towards emotions as LOVE and then with same frequency move to and fro towards another L as LAW. Move on steadfast with no flaw. It must be noted here that protection of human Rights particularly of those who are weak, poor, freak and humble like women, children and other handicapped men and women relates to the first principle of Natural Justice. Do the justice oh human kind as you have three way mind. Subjective to objective, let your consciousness be more active. Do away with all inaction and lethargy. Its spirituallegalism as science of soul to take you the real of positive morality. Three L's theory shall put you on the track of Human Rights for men and women alike. Inherent and decisive they are sure to end all crisis. Human Rights under Indian constitution are know as fundamental rights. India has made gigantic efforts to herald a better tomorrow for women. The constitution of India guaranteed fundamental rights without any bar on account of sex. The constitution framers were quite alive and fully aware to the problems of the weaker section of the society. Protective legislation to give them social security was considered to be of utmost importance in welfare state. Strength of its ideal is to be judged by the standards by which it treats the weaker section of its polity. This Equalitarian approach of the constitution framers resulted in intensive legislative fiat in the post independence era. [Dr. Ambedkar: an anthesis : S.K. Varshney], what woman had achieved after great struggle in Europe, we could achieve all those freedoms through various provisions of our constitution under chapter three and four at once for ever. Chapter three of the Indian constitution guaranteed that all men and women are to be treated alike, Art. 15 clause (3) is most significant as it gives power to the state form making special provisions for women and children.

The fundamental march of Liberal democracy to almost all parts of the globe has aroused the collective conscience of the people to shed regimentation and unleash forces that have a liberating influence in society to bring advance economy and polity. It is this anchoring of modern life on liberal democracy that today we are exerting for equal rights for both man and woman that have paved the way for according top priority to women's issues in the global agenda. Concept of International law has turned its head towards emerging global laws for humanity as such. Spot the areas of discrimination oh human kind, After all you have a MIND.

Justice for all is my craving to reach the goal as freedom. Go ahead stop all grave digging. Raising of socio-legal-economic status of men and women alike shall be in progress. Let us redefine our human role where humility shall have top most priority. Assume Self for the global society on a specific process called Love, Life, Law line. Remember peace and tranquility is its best sign. Invent more and more design to retain, self confidence. Get involved in singing and dancing spree so that eternal peace covers the global village with a colourful umbrella of opportunity for one and all. Women Empowerment and Gender justice must be a dream realized as today's girl is tomorrows woman. The South Asian Association for Regional Cooperation (SAARC) had declared 1990 as the year of the girl child. Historically the women all over the world were subjected to various kinds of deprivation and discrimination. The areas of discrimination include health, education and other aspects of socio-economic life. It must be noted here that despite of the undue pressure of society and system women have in different periods of Indian history has emerged to the forefront to prove their mettle. Pre independence or Post independence era in both women has held significant position in socio-economic history for the development of Personhood of the century.

The role of women in present society is being re-defined. She is no more confined to the boundaries of home. Today she is participating in decision-making and yet trying to preserve her own self as a cultural heritage. She has become psycho-socially competent

and is trying to combine the instrumentalism of male and the expressive skills of female in a very unique and adaptive manner. No doubt she is actively approaching the idea of equalitarianism of this century for the betterment of humanity. With firm conviction I may say that in the post-independence period the question of raising the legal status of women was taken up in right earnest manner. Gandhi-Ambedkar thoughts have always supported women as weaker section of the Indian society. Why women are denied many facilities which their counterparts are enjoying undisturbed? Why discrimination is meted to the girl child? Why from the very childhood girls are denied human Rights for food, clothing and education? no doubt women are provided with equal rights of inheritance in Hindu Law. As early as in 1956 the Hindu succession Act was enacted under which a daughter has the same right to inherit her father's property as a son has (relevant Ss are 14, 15 and 16 of the aforesaid Act).

There is no dearth of laws to protect Human Rights/women Rights but difficulty lies in the implementation of all those rights enshrined in the basic law as constitution. Why despite so much protective legislation, is there hike in crime rates and every increasing atrocities against women? Why is there enormous increase in the number of bride burning cases every year? Why is there enormous increase in the number of rape cases in India? Why is there gradual decline in sex ratio of women? Why is the primitive barbarous institution of Sati reviving? Why at National and International level we have failed to protect human Rights/Women's Rights? Where lies the defect we shall probe deep into the ocean of discrimination in the next discussion.

Remember: Love Life Law is a process supreme where facts and the law operates upon the axis of human existence on the planet-Earth. Earth a planet full of life, namely plant and animal life. The cellular existence of jiva is the eternal truth which takes care to the multi-disciplinary system of human mind. Art, Science, Law, Commerce and management are the specific areas where human wisdom operates to find virtue and to bring an end of all evil. Evil prevails where there is no good, therefore go for good as righteousness. 'Do no wrong' is

the theory which prohibits infliction of injury upon other fellow beings of animal and plant kingdom. Its with the help of multidisciplines that we bring about factual situations to unearth mystery of life on the planet e.g. History, Geography, Anthropology, Philosophy, Psychology, Sociology etc. are some of the disciplines derived from unending reaches of human mind. Endless reaches of human mind shall always explore the mysteries of life on our planet. Sun-Moon and the solar system is the commitment for better survival of life on planet Earth therefore enrich the five elements present on Earth namely soil, water, fire, space and air to fetch eternal peace and tranquility, Spirituallegalism as Love Life Law is the first step towards this realization. To enhance creative aspect of individual intellect know the spirit of Law which controls the substance.

Conclusion drawn:

Summary of discussion relates to substantive and procedural aspect of human made laws in the global society to mend socio-economic status of a person in the present state system which operates upon the pivotal process of Love Life theory. Knowledge process outsourcing is the cult where business processing is the exact result for which legal process outsourcing is a must. Stone age to cyberism the world has moved fast towards spirituality as spirituallegalism to save life on the planet. Therefore be aware of the inner and outer consciousness of the SELF to resume your duty in advance because individual's accountability is absolute. Relativity to absolutism is the process of Love Life Law as spirituallegalism. Have a state of MIND where justification is not a defence. Infliction of injury shall amount to a wrong civil as well as criminal where redressal is a must. It may be by way of compensation or as punishment or both. It must be there in all cases of breach of duty to take care. Start with the first and foremost duty to protect human Rights. U.N. conventions or SAARC resolutions may fail yet human conscience criterion shall always prevail. Ride on the chariot of 'Justice Equity and good conscience', to reach righteousness as an exact destination. Method and matter shall remain the same all over the globe. The purpose of Spirituallegalism theory of

the present century is not to dictate dogmatic answers but to stimulate thoughts. The most significant aspect of LIFE relates to make clear exactly what the problems are.

Know the needs of man as a reasonable being to draw inferences in the State-art-technology era. Mutual fidelity is the present day norm to govern the society as number one is a love law theory. Each one of us has to be with in the three 'L' process, to end all chaos for over all peace and tranquility. Remember human laws are incarnation of reason and the culture. Law and Indology therefore coexist to have an adhesive, coherent net work of human wisdom.

Remember: Spirituallegalism theory of love-life-law has grown in lanes and by lanes on the fields of social sciences and of philosophy; it digs into the historical past and attempts to create the symmetry of a garden out of the luxuriant chaos of conflicting legal systems, yet it is neither tedious nor unintelligible because path of righteousness is always straight never crooked. Don't deviate from righteousness is the great caution therefore do no wrong' instead remain reasonably firm and strong.

Legislature-Judiciary should make consistent and greater conscious efforts towards the protection and active enforcement of fundamental human Rights as freedoms of man and women alike, and should always endeavour where ever possible, to construe domestic legislation in conformity with developing universal legal system for global jurisprudence. [globalindology.com]. In the words of Professor Louis Henkin of Columbia University -

".....claims which every individual has or should have, upon the society in which she or he lives. To call them human rights suggests that they are universal, they are the due of every human being in every human society. They do not differ with geography or history, culture or ideology, political or economic system or stage of development. They do not depend on, gender or race, class or 'status'. To call 'rights' implies that they are claims 'as of right' not merely appeals to grace, or charity or brotherhood or love, they need not be earned or deserved. They are more than aspirations or assertions of

'the good' but claims of entitlement and corresponding obligation in some political order under some applicable law, if only in a moral order under a moral law."

Remember : Human Rights are not conferred by constitutions, conventions or governments. These instruments simply recognise them for exact enforcement in a political-legal system. Human Rights are inherent in the sense that they are the result of a specific process called Love Life Law. The three L's process is an eternal phenomenon of the 21st century jurisprudence. Neither patriarchial nor materiarchial we want a society which rests on the principle of Natural justice as Love Life Law. Such a society shall abide by the rules of good conscience which is in favour of protecting life (plant & animal) on the planet earth. Life is not a mathematical frame based on simple arithmetic to calculate and reserve seats for the human beings. Its a specific philosophy of social sciences to manipulate over socio-economic status of an individual on the scale of Personhood. Go for exact estimate of human dignity for union and positivity. Consolidation is the best quality of healing known to human nature, consistent, suitable and harmonious adventure we shall find on love life law line. Move on with grace to show the best sign of human dignity where we realise the dream to find all over grace as Eternity of Shiv-shakti. Consecrate and remain devoted to truthful existence of human kind on the planet Earth.

Consecution is a train of deductions and consequences. Its a series of things that follow one another on successive similar intervals in harmony, follow the regular order to maintain chain of causation for the happy ending. Love Life Law as a fundamental basis shall guide you on line to find wisdom DIVINE. ■

¹ Pithecanthropus n: a fossil hominid discovered by Dr. Eugene Dubois in Java in 1891-92, a former genus of primitive man now included in the genus Homo [Gr. pithekas, ape, anthropes, man].

² 'Natural Justice': S.K. Varshney; 1970 The Andhra Weekly reporter, p. 24. 'A study of 'Error of Law Apparent on the face of Record': S.K. Varshney Supreme Court Journal [15.2.1970, p. 21.]

GENDER JUSTICE : A DREAM UNREALISED

'Sort out all global issues adhere to— Love Life Law process'

No area needs more urgent action than communities themselves where girl child is falling through the social, economic and legal cracks to wind up in the most oppressive and miserable conditions imaginable. How long a woman shall suffer at the hands of man? Some call her Devi while others condemn her for once and ever. How long this struggle for existence between the two sexes shall continue. One wants to over power another. Patriarchal or Matriarchal how does it matter when spirit is the one and only substance male and female are the mere components. Seed of sincerity ought to be sown as personhood crown. Free or in bondage let me be happy and healthy. To have freedom from pain and fear, love some one oh my dear. Love is a sufficiency where each one of us feels content with what ever we have mere penny yet we have plenty as the contentment. Let the concept of solidarity, fraternity and equality of all men and women to prevail throughout the world. The 'human-person' is more important than the racial, national or other group to which he may belong.

Over all equality and fair operation of laws with humanitarian approach shall require a global net work to operate upon human psyche. Fulfillment of socio-economic-political needs of the individuals shall end greed to end all malice and spite. Let us create universal legal system for self administration. [Universality of Legal System At a Glance: Spiritual Legalism: Love-Life-Law: Surendra Kaur Varshney

'Preet', page 2-18]. Love Life Law as a process shall protect human rights under the banner of Spirituallegalism theory of Spiritual School of Jurisprudence [Philosophy of 21st century, S.K. Varshney 'Preet'].

Find the origin as logic. Its love for wisdom as reason, unending reaches of mind as multidisciplines shall pave the way with abundances of riches. An end of poverty is the beginning of spirituality. Be a spiritual being on the path of righteousness. Oh dear just be sincere and honest. Sow the seed of wisdom Tort, crime, constitution is the outcome. The above lines refer to my area of specialization in law field as referred in my curriculum vitae (CV). The ground upon which I have worked for the last four decades is the fertile mother of soul-mind-body integration. Since I have come to the land of Kamakhya Devi I wish I sow more seeds of love to have a flourishing crop of 'Personhood' of the century.

Tort or crime, 'do no wrong' stop committing Sin full acts coming under the category of tort and crime in a civilized world of global thought and action. Globalize self in such a manner that an integrated mind gets a supreme body (a super self) for over all well being. Project life (plant-animal) by remaining intact with Love Life Law process of spirituallegalism philosophy of 21st century.

Remember: Constitution as a basic law of any country provides human freedom to correct crimes as treason and maintain law and order in a civilian society. So is our constitution: a document of sovereignty, integrity and fraternity. As a sovereign it exercises over all authority on individual as well as state.

Relevant Provisions of the Constitution of India, 1950

Right to equality is the first and foremost right which a person can never be denied therefore he shall have equal protection of the laws with in the territory of India [Equality before Law Art. 14].

Art. 15 speaks of prohibition of discrimination on ground of religion, race, caste, sex or place of birth. The State shall not discriminate against any citizen on aforesaid grounds is the first clause of Art. 15 clause 2 further elaborates the first one by laying down

No Citizen Shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to -

- (a) access to shops, public restaurants, hotels and places of public entertainment; or
- (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of general public.

Clause 3 : Nothing in this article shall prevent the state from making any special provision for women and children [It is to be noted here that under this clause social security legislation for women and children remains well protected within the boundaries of basic law as constitution. Hundreds of enactments carry the true story of this spirit of Indian constitution. As human Rights guardian our constitution is the leader to propagate human values on globalindology.com.

Clause 4 of Art. 15 reads : Nothing in this article or in Clause (2) of the article 29 shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and the scheduled Tribes.

Equality of opportunity in matters of public employment is dealt under Art. 16. Further Art. 21 protects all men and women equally for their personal liberty. Therefore no person shall be deprived of his life or personal liberty except according to procedure established by law. Judicial activism over the years after Independence, had included right to education and right whole some Environment for all alike has been recognized and enforced recently by the Legislature in the Parliament. Right against Exploitation Art. 23 reads as follows: Traffics in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. This provision no doubt operates as prohibition of traffic in human beings and forced labour. But one question often raises it head of and on how far human conscience in our society has prevailed over the demon of exploitation. Child abuse

is the darkest aspect of our global society. How come evil overpowers us and we get deviated to tort or tortum which is a wrong path. Righteousness shall always remain close to our clear-transparent consciousness. Inner self as GOD is the correcting unit in our machine mind therefore my dear fellow being come forward to march towards this oneness of self with the super self in unitary net which shall have a strong value system as Law and Indology.

Of course together with fundamental rights in Chapter III of constitution we follow certain principles of policy to govern India as a liberal democratic state. The State shall, in particular direct its policy towards securing fullest aspect of law and order -

Art. 39,

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good.
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- (d) that there is equal pay for equal work for both men and women.
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocation unsuited to their age or strength.
- (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

It must be noted here again that provision under Art. 30,39A, 42, 44 all are to build up India as a state to be a role model for the whole of world under Art. 39A the state shall secure that the operation of the legal system promotes justice on a basis of equal opportunity,

and shall in particular provide free legal aid by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Art. 42 relates to provisions for just and humane conditions of work and maternity relief - the state shall make provisions for the same. Art. 44. there shall be a uniform civil code for the citizens, meaning thereby that through out the territories of India there shall operate uniform law system irrespective of caste, colour, creed, custom which we shall abide by as man-woman for the human.

Fundamental Rights must have the fundamental duties to perform and to fulfill the dream of Personhood in the present century, Rights natural physical spiritual-Intellectual; all relate to life actual which moves on the eternal axis of Love Life Law process. We the Indian are the blessed ones to have the four seasons which provide us with the opportunity to sow and grow as Spiritual Tree. We welcome monsoons every year for a glorious Besant after down pour rains. The process goes on till eternity is the rule of positivity or Divinity.

'Let us be free to do our duty'. Freedom is a concept to realize the dream of over all success in a given society without freedom of thought and action nothing at all can be achieved in a life time therefore our craving for a free mind in a healthy body is the first and foremost requirement. To build up self as strong as state to rule over is the first and foremost need of the individual. Building up of temple of knowledge and learning with in self is my adventure in the field of spiritual legalism as love life law. To promote harmony and the common brotherhood amongst all the people of India/world, transcending religious, linguistic and regional or sectional diversities which shall denounce practices derogatory to the dignity of men and women alike. This fundamental duty is one and only global positivity which we call DIVINITY. Capture it as Shiv-Shakti the global power as life in the cosmos. Let there be special provisions as reservations for the weaker ones, poor and down trodden. Don't make them slaves. Rather equip them with the power of freedom which makes on individual capable of moving fast in the aforesaid system of Love Life Law process. Process and outsource,

remember its human beings which are considered to be a best source of knowledge and integrity for the whole world. Make healthy reservations for weaker section of the society, women, children, schedule caste and schedule tribes. [Part IV-A: Fundamental Duties, inserted by the constitution (Forty-second Amendment) Act 1976 S. 8.11 (w.e.f. 3-1-1977)]

Justice is the requirement for man and woman alike therefore together be a good human. Love each other is the sermon scripture says love thy neighbour, Law dictates do n't injure your neighbour. [Lords Atkin's neighbourhood fest in Donoghue v. Stevensons H.L. 1932]. The two of them coincide on love life law graph therefore three L's theory is a good start. Move on the pendulum leave aside all evil that comes in the way. All kinds of deviations shall teach you a good lesson as experience. Mend you way in time to save self from death, disease and disaster. Be your own master. Human mind has the potential to do the miracle. Try, try, again is the final signal. Multi-disciplines as Arts, science, law, commerce, management and as endless social science shall equip human mind with utmost skill to fetch humility and compassion for all jiva's on the planet Earth. Basic law as constitution shall produce a huge amount of social legislation for over all protection of human values in the healthy environment of inner and the outer self. Safe and secure life is the first symptom of civilized world with the fullness of best human virtue.

Social Security Legislation for Socio-Economic Independence of Women in Modern India:

Apart from constitutional protections provided to women in India there are hundreds of enabling Acts as social security legislation which are being framed time to time to protect honour and dignity of women. Here we shall discuss some of aspects of social security Legislation protecting women from inhuman atrocities and harassment.

Let us refer to some of the most relevant women Laws here to enrich our memory with the latest socio-economic development aspect

of woman Empowerment in India which has the revolutionary impact all over the world. Mitigate violence to bring out best aspect of human sense is the slogan for this august gathering, where we are discussing the plight of Indian women despite of bundles of women Laws as social security legislation to produce global vibration as a cosmic sensation of Divine Mother as Shiv-Shakti (Durga-Kali-Preet).

Power, Property and Protection if give all to women, the dream of equality between the two sexes shall stand realized.

The Protection of Women From Domestic Violence, Act, 2005

An Act to provide for more effective protection of the rights of women guaranteed under the constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto. As a serious deterrent to socio-economic development of women in society it must be dealt with firm hands and therefore this legislative effort needs much more attention of public-state and the society. This kind of violence has created havoc through out the world and therefore has become most significant issue of human rights on which the United Nations Committee on convention of Elimination of All forms of discrimination Against Women (CEDAW) in its General Recommendation No. XII (1989) has recommended that State parties should act to protect women against violence of any kind especially that occurring within in the family.

2. The phenomenon of domestic violence is widely prevalent but has remained largely invisible in the public domain. Presently, where a women is subjected to cruelty by her husband or his relatives, it is an offence under S 498-A of the Indian Penal Code. It must be noted here that the civil law does not however address this phenomenon in its entirety.

3. It is therefore, proposed to enact a law keeping in view the rights guaranteed under articles 14, 15 and 21, constitution to provide for a remedy under the civil law which is intended to protect the women from being victims of domestic violence and to prevent the occurrence of domestic violence in the society.

4. The legislation seeks to provide for the following-

(i) It covers those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage or through a relationship in the nature of marriage, adoption. In addition, relationship with family members living together as a joint family are also included. Even those women who are sisters, widows, mothers, single women, or living with the abuser are entitled to legal protection. Ambit of aforesaid legislation is comprehensive and yet full of clarity. It defines the expression 'domestic violence to include actual abuse or threat or abuse that is physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under the definition. It must be noted here that however, where as the Bill enables the wife or the female living in a relationship in the nature of marriage to file a complaint under the proposed enactments against any relative of the husband or the male partner, it does not enable any female relative of the husband or the male partner to file a complaint against the wife or the female partner this explains the true nature of women's right protection as her inherent human right under social security norms of the society.

Further it must not be forgotten that it provides for the rights of a woman to secure housing. It also provides for the right to secure housing. It also provides for the right of woman to reside in her matrimonial home or shared household, whether or not she has any title or rights in such home or household. This right is secured by a residence order which is by passed by Magistrate. Under the Act, the Magistrate is empowered to pass protection orders in favour of the aggrieved person to prevent the respondent from aiding or committing an act of domestic violence or any other specified act, entering a work place or any other place frequented by the aggrieved person, attempting to communicate with her, isolating any assets used by both the parties and causing violence to the aggrieved person, her relatives or others who provide her assistance from the domestic violence.

The protective legislation further provides for appointment of

Protection Officers and registration of non-governmental organizations as service provided for providing assistance to the aggrieved person with respect to her medical examination, obtaining legal aid, safe shelter etc.

Section 8 and 9 of the Domestic Violence Act deals with appointment of Protection Officers and their duties and functions whereas Section 10 deals with service providers:

Section 8 and 9 of the Domestic Violence Act deals with Appointment of Protection Officers and their duties and functions whereas Section 10 deals with service providers which are voluntary associations registered under the Societies Registration Act, 1860(2) of 1860) or a company registered under the companies Act, 1956 of 1956) or any other law for the time, being in force with the objective of protecting the rights and interests of women by any lawful means including providing of legal aid medical, financial or other assistance shall register itself with the State Government as a service provider for the purpose of this Act. No suit, prosecution or other legal proceedings shall lie against any service provider for the purpose of the Act. Section 11. stipulates the duties of the Central Government and the State Governments. These duties are to give wide publicity to the provisions of the proposed legislation, to give, sensitization and awareness training on the issues addressed by the proposed legislation to Government officers including police officers and members of Judicial services, to ensure effective coordination between Ministries and Departments dealing with law, home affairs, law and order, health and human resources in the services provided by them on the issues of domestic violence and to put in place protocols for the Ministries and courts concerned with the delivery of services to women under the provisions of the aforesaid legislation. No doubt Protection of women from Domestic-Violence Act 2005 along with Rules 2006 is the most progressive step of the century.

'A tale of great sufferings they name is woman'.

The phenomenon of Violence against woman is the worse example of the human degradation all over the globe. Let us face the

ordeal unitedly with one soul-mind and body. It is the appeal of Spirituallegalism theory as Love Life Law. Aforesaid Philosophy of 21st century requires world wide publicity through public media including the television, radio, cinema and the print media at regular intervals. Non Government bodies as NGO's shall have to support the Government at the centre and state level only then social security legislation shall have the desired impact upon the socio-legal-political system as a whole. Rule of law and separation of power principles are the tools to control and correct human conduct in a given society. Therefore try to reach the spirit of law as you know its the spirit which controls the substance. Women Laws as social security legislation in modern India 'speak volumes about its integrity as social relevance in the present century. It cannot be denied that we are living in fast moving world of computers and mobiles therefore mobility is the decisive factor to evaluate Love Life Law process around us. Our Intellectual property relates to endless disciplines of life namely labour and Industrial Environmental pertaining to pollution laws and inner self assumptions of marriage and divorce. Press, Media and telecommunication Laws must operate under one single global-umbrella of the century called three L's shelter as safety measure. Let us evolve one single code of conduct for the self and the society where human laws hold the utmost priority for inherent human Rights.

Infliction of atrocities upon women in India as heinous crimes are endless. Infinite number of crimes against women such as rape, Dowry deaths has compelled the State-center legislation to frame special laws for their protection. There are plenty of women Laws yet categories of such legislation shall never be a closed one. In the era of globalization where human Rights ought to get utmost attention of the state and society, enormous growth of social security legislation shall ever remain inevitable. Dowry Prohibition Act, 1961, Immoral Traffic (Prevention) Act, 1956 Indecent Representation of Women (Prohibition) Act 1988 Maternity Benefit Act, 1961, Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 are some of the most important legislation along with

Commission of Sati (Prevention) Act, 1987 to curb the violence monster to inflict injury upon women in India.

Dowry Prohibition Act, 1961

Its an Act which prohibits the giving or taking of Dowry. The object of this legislation is to prohibit the evil practice of giving and taking of dowry. The object of this law is to prohibit the evil practice of Dowry system prevalent in all over India irrespective of caste, creed or religion. No doubt the problem is social one yet it needs a strong legal solution to control overall socio-economic degradation. Hindu succession Act, 1956 had made conferment by providing property rights to women in improved manner yet it was felt that a law which makes the practice punishable and at the same time ensures that any dowry if given does ensure for the benefit of wife will go a long way to educating public opinion and to the eradication of this evil. The evil of dowry system has been a matter of serious concern to every one in view of its ever increasing and disturbing proportions.

Amendment Act 43 of 1986

This amendment Act makes the aforesaid act more stringent and more effective.

- (a) The minimum punishment for taking abetting the taking of dowry under S3 of the Act has been raised to five years and a fine of rupees fifteen thousand.
- (b) The burden of proving that there was no demand for dowry will be on the person who takes or abets the taking of dowry.
- (c) The statement made by the person aggrieved by the offence shall not subject him to prosecution under the Act.
- (d) Any advertisement in any newspaper, periodical journal or any other media by any person offering any share in his property or any money in consideration of the marriage of his son or daughter is proposed to be banned and the person giving such advertisement and the printer or publisher of such advertisement will be liable for punishment with

imprisonment of six months to five years with fine up to fifteen thousand rupees.

- (e) Offences under the Act are proposed to be made non-bailable.
- (f) Provision has also been made for the appointment of Dowry Prohibition officers by the State Governments for the effective implementation of the Act. These officers will be assisted by the Advisory Boards consisting of not more than five social welfare workers (out of whom at least two shall be woman).
- (g) A new offence of Dowry death is proposed to be included in the Indian Penal code and the necessary consequential amendment in the Code of Criminal Procedure 1923 and in the Indian Evidence Act 1872 have also been proposed and added.

Dowry as a valuable security is totally prohibited under the aforesaid Act is a constructive step to stop exploitation of women in the society who are no more assets or property of man. Man and woman are the two components of 'Jiva' in Brahmanda (universe). Therefore all human Rights are for them to enjoy fruits of life as a joint venture in Love Life Law adventure. Giving and taking of Dowry is a non-bailable offence under the above enactment of the legislature. Supreme Court as an apex court is the supreme authority to exercise its complete jurisdiction over the judicial system including administrative tribunals. Application of Natural Justice principles by the superior courts namely various high courts of the states in India and at the top of it the Supreme Court. Indian constitution as the protector of our individual freedoms privileges, powers and fundamental duties shall work on the spirituallegalism lines of Love Life Law process to meet the ends of justice. Constitution guarantees us socio-legal-economic and political freedom to enjoy the fruits of Liberal democracy. This is the philosophy of 21st century. To save the planet we shall have to pay more attention for the smooth conduct of self on love life law line so that we do not interfere with freedoms of fellow being unnecessarily with out

justification. Find the clue is the human spirit's only view to save the substance for betterment of soul-mind-body integration. Integrate self with the one and only method and that is self help'. Self-help as such is a defence as well a remedy. Avail it fast. Reach the ultimate where peace and tranquility is not merely a forecast but a reality to assume and groom. 'Social security, is a concept unique just think deep. Womb to tomb protection of 'Jiva' is the requirement. Remember Self governance is the best Government.

Maternity Benefit Act, 1961

Maternity is an opportunity to multiply. Its a period before and after child-birth. Benefit of maternity shall accrue both on women and men equally are the history of maternity till now. Parliament in the twelfth year of the Republic of India enacted this Bill which was amended in 1972, 1973, 1976, 1988, 1995.

The provisions of the Maternity Benefit act are wholly in consonance with the Directive Principles of State Policy, as set out in Art. 39 and in other Articles specially Art. 42. A woman employee, at the time of a advanced pregnancy cannot be compelled to under take hard labour as it would be detrimental to her health and also to the health of the foetus. It is for this reason that it is provided in the Act that she as mother would be entitled to maternity leave for certain periods prior to and after delivery: *Municipal Corporation of Delhi v. Female workers (Muster Roll)* A.I.R. 2000 S.C., 1274.

Maternity protection is at present provided under the different State Acts on the subject and three Central Acts, viz., the Mines Maternity Benefit Act, 1941, the Employee' State Insurance Act, 1948 and the Plantations Labour Act 1951. There is considerable diversity relating to qualifying conditions, period and rate of benefit, etc. The proposed legislation seeks to reduce as far as possible the existing disparities in this respect. It will apply to all establishments, including, mines factories and plantations, except those which the Employee's State Insurance Act, 1948 applies and its provisions approximate as nearly as possible to those of that Act.

The Medical Termination of Pregnancy Act, 1971

We are fully aware of the fact that regarding the termination of pregnancy in the Indian Penal Code which were enacted about a century ago were drawn up in keeping with the then British Law on the subject. Abortion was made a crime for which the mother as well as the abortionist could be punished except where it had to be induced in order to save the life of the mother. The Medical Termination of Pregnancy Act, 1971 legalised termination of Pregnancy on various socio-medical grounds. This Act is aimed at eliminating abortion by untrained persons and in unhygienic, thus reducing maternal morbidity and mortality. In 1997, an expert group was constituted to revive the aforesaid Act with a view to making it more relevant to the present environment. The National Commission for women also suggested certain amendments in the Act to remove provisions which were discriminatory to women. These provisions are most relevant aspect of human life on our planet Earth therefore its significance must be noted here carefully. According to the Medical Termination of Pregnancy (Amendment) Bill, 2002 provides for -

- (i) Substituting the word 'lunatic by the words' mentally ill person; in Section two dealing with definitions.
- (ii) amending Section 4 with a view to the Government to approve places for medical termination of pregnancy and constituting District Level Committee to be headed by the Chief Medical Officer/District Health Officer.
- (iii) amending Section 5 so as to prescribe punishment of rigorous imprisonment of not less than two years and extending upto seven years -
 - (a) to clinics which are not authorized to conduct abortions; and
 - (b) to persons who are not registered medical practitioners with requisite experience or to training for terminating pregnancy.

The Pre-Conception And Pre-Natal Diagnostic Techniques (Prohibition of Sex Section) Act, 1994

It an Act to provide for the prohibition of sex selection, before or after conception and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic malformations or sex linked disorders or chromosomal abnormalities or certain congenital malformations or sex linked disorders and for the prevention of their misuse for sex determination leading to female foeticide and for matters connected with there with or incidental thereto. Pre-natal diagnostic technique for the determination of sex of the foetus leading to female foeticide is a great abuse of technique which is highly discriminatory against girl foetus. The Act provides for regulation of the use of prenatal diagnostic techniques for detecting genetic or metabolic disorders, chromosomal abnormalities certain congenital malformations of sex linked, disorders and for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide, and for matters connected there with or incidental thereto, under Section 7 of the above act Central Supervising Board shall be constituted to exercise the powers and perform the functions conferred on the Board under this Act, constitution of the Board is remarkable as it consists of the Minister incharge of the Ministry or Department of family welfare who shall be the Chairman, exofficio; among others ten members to be appointed by the Central Government, two each from amongst -

- (i) eminent medical geneticists;
- (ii) eminent gynaecologist and obstetrician or expert of Striroga or prasuti-tantra;
- (iii) eminent paediatrician
- (iv) eminent social scientists; and
- (v) representatives of woman welfare organisations;

Power-Property-Protection, need of the hour is right action which ends all inaction. This shall take the Personhood of the century towards perfection, it is a kind of scientific positivism for spirituallegalism as Love Life Law process, training of social security

legislation for protection of Human Rights is no doubt first and foremost requirement but its implementation is even more significant one. During recent years, certain inadequacies and practical difficulties in the administration of these legislations had come to the notice of the Government, which has necessitated amendments on the said Acts we were just discussing. The proliferation of the technologies due to application of amniocentesis and sonography are not conducive to the dignity of the women. The proliferation of the technologies mentioned above may in future, precipitate a catastrophe, in the form of severe imbalance in male-female ratio. The state is also duty bound to intervene in such matters to uphold the welfare of the society, especially of the women and children. It is therefore, necessary to enact and implement in letter and spirit a legislation to ban the pre conception sex selection techniques and the misuse of pre-natal diagnostic techniques for sex selective abortions and to provide for the regulation of such abortions. Such a law is also needed to uphold medical ethics and initiate the process of regulation of medical technology in the larger interest of the society. It must be noted here that Amendment Act 14 of 2003 is a befitting step in this direction.

The National Commission for Woman Act, 1990

As successive commissions on women have noted in their Reports the unequal status of women obtaining in every sphere of life and had suggested the setting up of an agency to fulfill the surveillance functions as well as to facilitate redressal of grievances of women. Several women activists and voluntary action groups have also been making persistent demands for setting up of a commission for women. The country cannot progress as long as the inequality persists with reference to half of its population. Having realized the importance of the issue the Government decided to set up a commission for women, to be called the National Commission for women, consisting of a chairperson and six members. The main task of the commission shall be to study and monitor all matters relating to the constitutional and legal safeguards provided for women, to review the existing legislations

and suggest amendments, wherever necessary. It will also look into the complaints and take suo moto notice of the cases involving deprivation of the rights of women in order to provide support legal or otherwise, to helpless women. The commission shall monitor the proper implementation of all the legislations made to protect the right of women, so as to enable them to achieve equality in all spheres of life and equal participation in the development of Nation. (National Commission was directed to frame scheme for compensation and rehabilitation of domestic working women who were victim of rape, and union of India was directed to take necessary steps for its implementation).

Most relevant point to be noted here is that under aforesaid Act Section 16 reads - The Central Government shall consult the Commission on all major policy matters affecting women. Chairperson, members and staff of the Commission shall be deemed to be public servants with in the meaning section 21 of the Indian Penal Code (45 of 1860).

We humans are to protect ourselves from death, disease and disaster. Let us realize our own self to reach the ultimate as super self. This theory of spirituallegalism is based on a specific socio-legal philosophy of the present century. In the present era we move on the plate form of spirituality where the rail of value system moves on the rail of triune MIND (global indology. A Revolution: S.K. Varshney). Let us find the via media is the great idea, Remember: when all ism fail only then spiritual legalism emerges as a process to protect human values from disaster of inhalation. Save life on planet. End of all misery is comfort. To find peace within self be watchful to protect inner as well as the outer environment. Sit together as one global community for over all graceful unity. To sort out a difference make a promise. Remain firm on your stand. Be your own master if you can.

Our thoughts takes us to realm of spirituality where all men and women are equals with exact number of male-female chromosomes. Amniocentesis and Sonography tells us the inside story where love life laws operates as a theory. Rhesus factor shall initiate the process inside to determine gender. Love Life Law scale is the projector

Project the image digital, human life is a miracle. Sing or dance in reality or in trance. My love for the humanity is one and only reality which I shall realize as a doctor or as an engineer with abundance of enthusiasm. Let us start the process which is prevalent in birth after birth to curb disease, death, and disaster. I wish you good luck so that no where you get struck.

Any kind of interference without justification shall not be said to be excusable. Compensation by way of redressal is one and the only way to escape liability therefore don't injury any one (deprive a person of his or her human Right). Be a good human (civilian) to maintain peace in the society for calm-tranquil, state of prosperity. Social security legislation just discussed is for socio-legal-spiritual system where SPIRIT holds the substance. Spiritual world of WISDOM is an universal phenomenon therefore become a human with endless multidiscplines. Place of humankind in the universe we shall have to explore through aforesaid spiritual process called Love Life Law. Evolve the Brain Capsule.

*Love a flowing River
To end in ocean deep
I am a creeper
I love to creep.*

Live in the world of tradition with precedent and legislation. There is lot more left for us to do. Go fast in the art of creation 'Do no wrong is the universal sensation unending reaches of human Mind shall speak its own language to unearth truth of life therefore explore the world of knowledge

*Inner and outer
Is the concern
Equate the two
As a global view
Subtle yet gross
I know HIM on the cross
See the intricacy
Find the individuality.*

Know the theory of spirituallegalism as Love Life Law on line to explore the world [globalindology.com]. Subjective to objective, let the conscience be active. Hindu, Muslim Sikh or Christian, Indology is their origin. Triunine brain is full of nasal-vocal-sensual potential, Avail all the three aspect of life to operate upon a specific line for better survival. Strive for the Sixth sense through the five you already have. Do away with all inaction and lethargy. Spriualllegalism is a science of soul to operate upon gross logic-reason canavas. Reach the realm of positive morality it waits you for right track action. Life is a law school where love is taught as a compulsory subject. [Mind: S.K. Varshney, p. 1]. Provide all man-woman powers property and protection under social security legislation. It is final verdict of human MIND. Killing, murder and violence all must end at once is the message today. Let us strive for peace, every day. To learn something every day is a gift great. Realise it with open mind. If your mind is open to the world and to life. It could be as simple as learning a new word and its meaning; something that enriches your life in even a small way, for every little bit of learning helps you become wiser in the domain of global indology.com. Let us make united effort to curb degradation of human values, prevalent all over the world. Agreement, treaties and conventions are the good symptoms appearing on the sensible minds of individuals and Nations. Therefore capture the spirit of law and Indoogy to bring an end of violence which seems to be beyond control at the moment.

Posses VIRTUE First

Life a Great test

With out virtuous possession one cannot proceed on succession. With out virtue as humility-compassion life is fake and farce therefore maintains integrity at the cost of every thing you possess. Find the right access to acquire intellectual property. All inherent qualities are said to be human rights. Protect and preserve honour as self respect remember all evil attack you as curse. Sincere and honest let the mind be. Sincerity is the right spree. Power to correct self is the tool supreme. It makes you capable of realizing all

that appears to be a distant dream. Reel of thought on human mind net work starts the process at once to revolve things in Present to create future.

The over all vibration acts as a future. Past becomes present to get into the told of destiny. The whole prospect is called event revolutionary. This is how a Revolution brings about change noticed by some while other remain unaware of it. Women's Empowerment as revolution is the integral part of Human advancement. Self in the society emerges as human where there shall be no distinction such as man and women. Diversion to another part is revolution. Revolve and find solution is the theory of spirituallegalism on my website as a reasonable foresight.

Remember: Events alone do not create history. To create a history be a person multidisciplinary. Only a versatile person moves effecttively on the aforesaid process of Love Life Law to leave specific image spirituality pertains to that image which is eternal where beginning has the end and end craves to begin again. This craving is the pious-sacred desire to save humanity from inequality just put self on the track of equality with conscience MIND. After all we all are human kind.

Self State-Society when becomes one entity protection of human values shall become a fast reality. Move on this line of thought and action for the easy implementation of so called social-security legislation in India and else where on planet-Earth. ■

¹Women Laws.

- o Protection of Women from Domestic Violence Act, 2005
- o Protection of Women from Domestic Violence Rules, 2006.
- o Hindu Widows' Remarriage Act, 1856
- o Hindu Widow's Remarriage (Repeal) Act, 1983
- o Hindu Women's Rights to Property Act, 1937
- o Medical termination of Pregnancy Act, 1971
- o Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994

- o National Commission for Women Act, 1990
- o Maternity Benefit Act, 1961
- o Muslim Women (Protection of Rights on Divorce) Act, 1986
- o Dissolution of Muslim Marriage Act, 1939
- o Family-Courts Act, 1984
- o Dowry Prohibition Act, 1961
- o Immoral Traffic (Prevention) Act, 1956
- o Indecent Representation of Women (Prohibition) Act, 1986
- o Other Related Laws (Relevant Provisions)
 - Constitution of India
 - Hindu Succession Act, 1956
 - Hindu Marriage Act, 1955
 - Protection of Human Rights Act, 1993
 - Divorce Act, 1969
 - Hindu Adoption and Maintenance Act, 1956
 - Code of Criminal Procedure, 1973
 - Indian Penal Code
 - Indian Evidence Act, 1872
 - Equal Remuneration Act, 1976
 - Beedi and Cigar Workers (Conditions of Employment) Act, 1966
 - Factories Act, 1948
 - Mines Act, 1952
 - Employees' State Insurance Act, 1948
 - Special Marriage Act, 1954
 - Code of Civil Procedure, 1908

Books Referred - Book gallery: [Spirituallegalism .co.in](http://Spirituallegalism.co.in)

1. Love Eternal
2. MIND
3. Spirituallegalism : LOVE LIFE LAW
4. Origin of Indology: ORISSA
5. Philosophy of 21st Century

FEMINISM IN INDIA - A CRITIQUE

Dr. Shahida Murtaza

Introduction :

Philosophically and practically life in this world is understood as a snake and ladder game. This is more so in open societies and modernizing sections. India being a modernizing society has eased most of its norms by practicing democracy, development planning and welfare measures, with the result that the game has come to depend more upon one's achievements, rather than birth. But in a highly complex and heterogeneous country like India, it is difficult to believe that all sections play this game equally well. For, we find at the same time sections which are developed and modernized as against backward and traditional, entrepreneurial and assertive as against dormant and indifferent. This being the case it is the latter categories (immobile, traditional, backward, dormant and the indifferent), which attract the attention of planners and researchers to study and develop them. The present paper is an attempt in this direction in the larger context of development of such weaker section by taking a specific case of women, who constitute a large chunk of such sections.

Gender Equality : A matter of Hen and Egg Analogy

Equality of man and woman should be a matter of hen and egg analogy. Just as we cannot decide on whether hen is first or egg is first, so also we cannot say man is superior or woman is superior.

Similarly when scholars like Aristotle, Sigmund Freud, Ogburn and Nimkoff talk about the nature of man as a social animal; libidinal, sexual and pleasure seeking animal; and tool-making and tool-using animal respectively; it is equally applicable to women. For, they come from the countries known for the gender equality, Thus, the gender equality is necessary for various reasons, among which the following may be cited as important:

☞ Hindu mythology compares woman. to (pralcruti) nature and assigns equal role to her as that of man (purusha) in the perpetuation of the human species. The concept of ardhanareshwara (an incarnation of one of the Vedic trinities, namely Lord Shiva) is also set as a model to emulate in which male and female parts are projected as equally important. Besides while talking about great personalities it is often emphasized that "there is a woman behind every great man". It is, therefore, that wife is considered as "better half" of her husband. If this "better half" is not given adequate freedom and opportunities to equip herself in terms of necessary skills, aptitudes, resourcefulness and temperament, she can be the "worst half".

The another sad occasion to observe this differences at was at a workshop on the identity of women, to which, both Indian and American women, who had stepped out of their traditional tracks to pursue careers as writers, researchers, academicians, etc, were invited, to discuss their experience in life. At one point in the discussion one of the Indian participants used the word 'compromise' to describe her accommodation of the conflicting demands upon her in life. All the American participants took a negative view of her situation. To them the term connoted a denial of autonomy and freedom, an unhappy compulsion to accommodate into her plans and aspirations something that she would have been more comfortable without. In contrast the overwhelming majority of the Indian women seemed to consider 'compromise' positively to view it as the most acceptable accommodation of conflicting obligations, of pressures satisfactorily resolved. It was interesting to observe that both sets of participants were about equally placed in the ladder of profession achievement.

The history of men's involvement in the movement for the liberation of women, their education and the advancement of their status, the position that men in the Indian culture have traditionally held as caring brother and affectionate father, and the weight that the Indian value system accords to the capacity to compromise could and should be status of women in India. If this is skillfully done the women's movement could be lifted from its current status as a feminist issue to the status of a much longer issue of human rights, which is what is the essence of it is.

Towards a Cultural Redefinitions of Self hood in India

Illustrations could be multiplied. But the gist of their issue is that it is important to take careful note of the difference in the ethical and cultural contents of the feminism in western and in Indian societies. In the west, feminism together with some of the ethylic movement, such as that conducted by American blacks has taken on the responsibility of bridging a longstanding cultural gap between an ideology of individual freedom and equality and a reality in which women (and some of the ethnic minorities) are discriminated against severely.

India is, a yet new to the ideology of the personal freedom. Both Indian men and Indian women have will to function under rigid hierarchies, tuned to curb their freedom, condition themselves to suppress their needs, silence their senses, and sublimate their selves in a philosophy of self-effacement and service. Political freedom from British rule and the adoption of democracy and its accompanying value system have opened up for them totally new opportunities for personal freedom, selfhood and autonomy. The challenge to feminism in India is to help Indian women realize their selfhood in full measure.

The temptation to follow the paths blazed by western feminists in research as well as in action may be irresistible. However, one hopes for a revival of sensitivity to the uniqueness of the Indian situation and of the capacity to respond to their uniqueness by forging new ways.

in case in which the husband has been held guilty of a crime against his wife, the victims have generally name his mother or sister as abettors.

On another hand men in Indian history, have often stood out as "benefactors" facilitating the advancement of women. Biographies and auto- biographies of 1944 as well as 20th century women clearly indicated that those who stepped out of the beaten track to pursue education, to take up social work or politics, or to enter occupations or professions that were considered to be the exclusive provinces of the men, have almost invariably been encouraged; supported, by father or a brother, most frequently by a husband. The reformers who insisted action in support of equalities and freedom of women were all men, so were most of those who pioneered the education of women.

Similarly, there is an Indian tradition by which men and women un-related to each by blood or marriage, but belonging to the same neighborhood, village, caste and circle of acquaintance, address each other by the kingship term that would be appropriate. A special feature of this tradition is one by which interaction between contemporaries is of the brother-sister relationship. This is probably a mechanism. through which the culture, which rigidly segregates the sexes, renders such interaction 'safe' by equating the two to siblings and thus imposing upon them the sex taboos normal to a brother-sister relationship. But it is important that, in the process, it provides for a mechanism by which members of the opposite sex may offer each other warmth, protection and emotional support without the tension or aggressiveness of sexual possession or dispossession.

Yet another unique relationship between men and women exists within the joint families. This is the relationship between a woman and her husband's younger brother. She is expected to maintain distance from all his elder brothers, but is allowed to interact almost as freely with his younger brothers, as she would with her own. In fact often in a joint families the husband's younger brother is a woman's sole friend. He may stand up on her behalf against his own mother in situation in which his elder brother, her husband, may not. Not infrequently both may silently or even secretly protect or support each other against the tyranny of elders, even of her own husband.

Confrontation vs Compromise

Under the circumstances, it is possible to appreciate that the firm tone of western feminism, relentless attitudes of males, can strike a discordant note in the ethos of Indian life. In fact, the roots of the discord go much deeper into the Indian philosophy of the life. This may be illustrated with reference to the differences in the manner in which contradiction and conflicts are handled in the two cultures. In the west there is a compulsion to a logical resolution of conflict to confrontation and categorical choice. In contrast, the Indian Culture places a great value of compromise on the capacity to live with contradictions and to balance conflicting alternatives.

suffer from the additional limitation of having to accept work that fits in with their obligations as wives, mother and home ... makers. Trade unions are relatively insensitive to women's needs and in any case the sector in which women work are poorly unionized.

By far the most serious tragedies, that occur dowry deaths, suicide, impoverishment of widows - arise out of women's failure to use the legal safeguards and redress provision with reference to marriage, divorce, dowry and property. Their general inability to use the law is further aggravated in situations in which they have to fight husband or a father. In the role of mediator within Indian culture, these are the persons upon whom women normally depend to handle court matters. Better legal aid facilities are needed to enable women to use the legal system against these persons.

The Value System

While the factors listed above are visibly responsible for the poor status of women in India the greatest obstacle to change in the directions of equality is the value system by which women abide. Women are conditioned to revere father, and to serve the husband as a devotee serves God. Devotions to the husband is cultivated among girls of all religion, but it is particularly idealized and firmly institutionalized in the Hindu concept of pativrata. The term pativrata (literally translated as one who is vowed to her husband) connotes a wife who has accepted service and devotion to the husband and his family, as her ultimate

religion and duty. The ideal of the pativrata is romanticized through ceremonies of different kinds. It may be pertinent to illustrate with one of the legends, the legend of Savitri and Satyavan.

According to this legend, on the death of Satyavan, Savitri, his virtuous wife and a pativrata followed Yama, the God of Death, implying that he should not take her husband, Yama tried to reason with her and to convince her that this was not possible, as all humans must die, however when she requested him to give back, he said that he had to respect her as a pativrata and offered her a boon if she would comply, promptly Savitri asked for sons. As Yama agreed to grant her wish, she pointed out that as a true wife she would have to bear them by her husband and no one else. Yama could not go back on his word. He was forced to yield and Satyvan was saved. To this day Hindu women communicate to Savitri with a celebration and ritual performed annually, on a fixed day. Even educated urban women follow the practice devotedly.

Taking Cognizance of the Indian Reality

The women's cause in India could gain enormously if it takes cognizance of these realities. In most countries the Feminist struggle needs to be directed towards obtaining legal and political rights, as Constitutional rights are already extensively available to women. The problem is that they are not adequately used.

Women's studies in India must explore into these reasons thoroughly. Similarly, feminist statements must highlight the poor utilization of existing rights and provisions and underline the point that legal and constitutional provisions are futile unless they are backed by appropriate attitudes and public commitments. Focus must be on cultivating the attitudes required for building the necessary public commitments while doing so it is important to recognize that it is useful to build upon what has been achieved in the past. Indian feminism is particularly fortunate in that the returns that 19th century and early 20th century performers were able to achieve on behalf of women, constitute a firm base.

Similarly, although Indian tradition has for the major part encourages the subservience of women, applauded their self effacement, and thus promoted their subjection, it contains several elements that can be developed towards establishing equality for Women and towards a new objective of the full dignity of their personhood. It is important that Indian Feminism grounds firmly on these elements as features to build upon. For instance, feminists could work towards building new attitudes among women by highlighting the spiritedness, the intelligence and the resourcefulness of figures like Sati Savitri. There are several other points at which they can usefully draw from tradition. But, in order to do so they cannot give senseless and careless thought to how folklore, folksongs, epics and age-Old models of virtuous woman hood can. be seen to speak for the new values system. Feminism tend to turn away from traditional images. And in the process snap vital locus of communication with masses.

The Larger Contex

The feminist message in India also misses its mark when it names men as oppressers. The Feminist almost exclusively blame men for the unhappy situation of women.

Firstly, the mass of Indian women are unlikely to be above to make the fine distinction between sorrow and oppression. Sorrow isreal, it is the substance of their life, and they know it intimately. But the know it as hunger, poverty, ill health, disease, the death of their infant children, the free use of their bodies by powerful landlords to whom they are bonded with whom they work. They know the importance of their husbands, father, brothers, or sons to help them when this happens. They know it as the truthfulness of custom, the burden of tradition, the unrelenting demands of a virtuous. They know it as the beatings of a drunken husband or father. or anger unleashed without reason as the birth right of men. Feminists must make a special effort to indicate how sorrows, as the mass of women experience it, is compounded by oppression. Secondly, although there Can be no dispute about the fact that Indian society is oppressively patriarchal, it

must be remembered that in India patriarchy is only one from among several matriarchs that oppress women. Some of the most oppressive of these are the matriarchs of age of material status, of relationship by marriage. Conceptually and analytically some of these may be seen to be mere extensions of patriarchal oppression, but it is important to recognize that these are not experienced as oppression by the male. Most women in India experience family violence as the cruelty of the mother-in-law or the husband's sisters, in most of the families, the principal oppressor is the husband's mother or his unmarried or widowed sisters, not the husband. In many incidents of bride burning, or suicide attempted by women, unable to bear ill-treatment within the family, the person who has driven the women to death is almost invariably one of her female relatives. Even women. They say that the legal safeguards and equal opportunities, facilities, that are being fought for in many of the countries which claim long traditions of equality and individual freedom are already available to them in principle. Thus they react with the feeling that feminism is a lie.

The Indian Problems

None of this means that the situation of women in India is satisfactory or acceptable. Regardless of all the factors cited, the fact remains that the country measures poorly in terms of any of the indicators that are normally issued to measure the status of women.

Painful evidence of their inferior status is that female infanticide, sati and child marriage, which 19th Century reformers had fought hard to abolish by law, linger, particularly in rural India. Practices such as the denial of remarriage to upper caste Hindu widow, polygamy, and dowry, similarly made illegal, continue. More yet, some of these practices have gained strengths in new forms. For instance, the use of amniocentesis to determine the sex of the foetus, and the use of the right to medical termination of pregnancy, to abort the female foetus is in a sense, a return to female infanticide. Or again the widespread incidence of bride burning and dowry death is a new and ghastly form. Thus in spite of constitutional and legal provisions aimed at facilitating their status as equals, women continue to suffer.

The Indian problem really lies in the fact that women do not make proper use of the existing legal and political rights and facilities. There are several reasons for this. The mass of Indian men and women are not yet fully aware of their new rights and opportunities. The bureaucracy they must deal-with in order to exercise these rights or to obtain redressal of grievances is too complex, too slow, too distant, and even too expensive for them to use. It has none of the immediacy, the approachability and the visible efficacy of the caste or tribal council or the village panchayat which they, as an essentially rural people were accustomed to use.

More specifically, women's poor utilization of voting right is primarily due to their low level of political awareness and sense of political efficacy. They do not yet appreciate their potential power and political leverage as citizens of a democracy. They are ignorant about issues and are not being encouraged to become interested. Even educated women are apathetic. On the other hand, political parties consider women candidates a poor risk and are unwilling to invest in them. Women themselves find that an active political career is difficult to combine with homemaking. Thus the women who are active in politics are either the wives or daughter of politicians, or women who have entered politics as social workers or as students.

Women's failure to exercise their employment rights is due to quite another set of reasons, Poverty compels both men and women in the country to take any available work. Because unemployment is high they are obliged to accept the terms of the employers, who often evade or slip through the requirement of law. Women are particularly vulnerable to such exploitation because they are too timid to argue. They spiritual powers. The concept of *pariwar* or five dual wives (viz., Tara, Ahalya, Sita Dropati and Mandodari) is the best example. apart from highly venerated Anasooya and Sukanya. Their prayers, penances or supplications to God are believed to earn grace more readily than the prayers of men. Several of the most important religious sacrifices, ceremonies and rituals can only be

performed by a married couple. They cannot be performed by single men, single women, widows or widowers.

The Establishment of Equality

Inspired by reformers and encouraged by what Gandhi put before them from the Hindu religion, women had come out in large numbers to participate in the struggle for freedom. By the time the country obtained Independence in 1947, they had already established themselves as nearly equals in political life. Both as a tribute to the equality of their participation, and as a reaffirmation of Gandhi's commitment to equality. Indian women have political rights fully equal to those of men. What is more, the constitution declares that women, together with the former untouchable castes and tribals living in remote areas, are to be recognized as weaker sections of the population, and to be specially assisted to function as equals.

Living up to a Promise

The Indian government has tried to live up to this promise. Since 1947 each of the seven five year plans has carefully provided for the health, education, employment and welfare of women. More importantly, planners have been alert and dynamic in defining plan obligations to fit in with changing times. Up to the fifth plan the emphasis was on providing women with 'welfare and protection'. Almost as though it was a response to feminism, the sixth plan made a striking departure with a new emphasis on involving women as 'partners in development'.

In addition to the constitutional safeguards and plan provisions, there are a host of provisions in the legal and the political structure of the country that affirm and reaffirm the equality of the sexes in terms of property rights, the provisions for divorce, employment and health. If a cross-cultural or multinational analysis of legal provisions for women is made, India is likely to emerge as one of the most progressive countries. For instance, the Directive Principles, state policy of the constitution safeguard the principle of equal pay for equal work, and labour legislation ensures generous maternity leave provisions. Not

only does the Indian government officially support and sponsor the use of contraceptives for birth control, but it has also legalized the medical termination of pregnancy. Several committees and commissions have been appointed to look into the problems of women. When the International Women's year commenced in 1974, India was ready with a sensitive, and comprehensive report on the status of women, prepared by a parliamentary committee appointed a few years earlier to that.

In the face of the Western Feminist this cry that women have been neglected by society in general, and by the government in particular does not quite appeal to Indian

western ways. Inevitably this antipathy sharpened the rift between the two groups to the point at which some nationalists looked upon reformers as traitors to the cause of freedom. The British attitude to India continued to be so lukewarm that the moderates, eventually, also disillusioned and disappointed enough to give up their separate stand and to join the nationalists. As they did so their aspirations for the advancement of the status of women in India came to enmeshed in the concept of the new society that the nationalists began to dream of establishing in independent India.

Stree Shakti and New Direction for Nationalism

Meanwhile, at about the time of this merger which occurred towards the dawn of the 20th century, politics in the country was beginning to take a new shape: Initially, under the leadership of Tilak, the struggle for freedom had been a militant movement. But as the implications of militancy began to unfold there was a strong feeling that a poor country like India must use some other strategies against the superior military powers of the British. The answer came in the form of Gandhi's brave new philosophy of ahimsa or non-violence. One of the basic tenets of this philosophy is that, in order to fight a non-violent revolution, it is necessary to build moral power. As Gandhi emerged as the country's political leader, he called for the people to arm themselves morally and declared that the eradication of

untouchability, the acceptance of equality for women, liberation from crippling superstition and fear and the cultivation of humanism were critical to this armament. Thus Gandhi directly declared that equality for women would be one of the central objectives of his political program.

In addition, he did much more while explaining the concept of Ahimsa, he lifted the moral power in a non-violent struggle to the pure and gentle, but firm and tenacious strength which, he emphasized, women continuously display in life. Finally, at the organizational level, he emphasized that nothing less than the total involvement of the entire population in the non-violent struggle for freedom would be adequate and in this context he pointed that it was imperative to involve women in the mass movement with all the persuasiveness and charisma at his command he urged women to step out of their homes and join him.

Support and Religion

If Gandhi could communicate the concept of Streeshakti (the moral power of womanhood) to the Indian masses so convincingly, it was because the Hindu religion carried a highly positive concept of the feminine principle. Unlike Christianity, Judaism or Islam, the image of God in Hinduism is not exclusively male. The polytheistic Hindu pantheon consisting of divine couples such as Shiva and Shakti, Purusha and Prakriti, Rama, Vishnu, Laxmi and Sita, together the male and the female represent the specific power for which they are venerated. In addition, the Hindu pantheon consists of a number of goddesses or deities. It is significant that the deities of knowledge (Saraswati) and wealth (Laxmi) are females. Correspondingly, there is a distinctive place for women in the practice of the Hindu religion. Women particularly those who are virgins or virtuous wives, are believed to have special evident in the fact that when, towards the end of the century, the interests of the reform movement clashed with that of the nationalist movement for freedom, several of the reformers, who happened also to be committed nationalists, chose to accord priority to reform. Since this conflict between the obligation to reform and the commitment to the struggle for self-rule, that occurred towards the end of the nineteenth

century, was highly significant in shaping the status of women in the 20th Century, it may be pertinent to look at it in some detail.

The Birth of Nationalism

The opportunity to acquire western education and through it to be exposed to European morals and philosophy that some of the Indian elite obtained at the beginning of the 19th century had critical implications for Indian thought, morals and culture. The first impact of European liberalism on Indians was, as pointed out earlier, to stimulate them to reflect upon their own culture, question some of the customs and practices that they had earlier accepted, with equanimity and to move in the direction of reform. It was this impulse that generated the social reform movement and guided its course through the first three quarters of the 19th century. Through out this period western-educated Indians looked up to their British rulers. They admired what they considered to be their superior morals and philosophy and believed that, as responsible liberals, their rules would bring about the reforms and changes required to advance Indian society towards the liberal value system.

However, towards the last three decades of the 19th century the Indian outlook regarding the British began to change. Having experienced British timidity about reform, even those who had earlier admired the British were growing to be disillusioned with British rule and skeptical of British intentions. The skepticism combined with the growing impact of liberal political ideology to generate a desire for political freedom and self-rule, gave birth to a nationalist movement for political freedom and self-rule. The spirit of this movement is best summed up in Lokamanya Tilak's famous statement "Swaraj (self rule) is my birth-right and I shall have it".

Division over the Issue of Reform

The nationalist movement for freedom was born out of the same ideology and sentiments that had generated the movement for reform, and most of the social reformers of the 19th century were also committed nationalists. However towards the end of 19th Century

there was serious split in the Indian leadership which came to be divided into two factors, viz., those who preferred struggle for freedom to those who combined the struggle for freedom with the struggle for reform. The former group consisting of nationalists totally disillusioned by the British was powerfully led by THak. The latter consisting of those who continued to hold some hopes about the British as benevolent rulers was led by several political moderates. Tilak's impatience for reform came from his antagonism against the British, which was so firm that he rejected everything European, including European reforms. Reforms involving women, in partiCular, appeared to him as unnecessary concession to that women in the west had to suffer because of the continuing gap between political ideals and realities, nor did they have to suffer the indignities European and American women have had to experience in the course of their efforts to bridge this gap.

Liberation, Social, Reform, Nationalism and The Women's Cause

In fact, Indian history reveals an almost opposite experience. As western educated Indians came to be acquainted with European liberalism, they were inspired to reflect upon their own value system and to examine the inequalities, injustices and oppressions of their own culture. This introspection stimulated a strong movement for social reforms significantly, the removal of practices and customs that led to suffering for women figured prominently in the agenda for social reform.

Raja Ram Mohan Roy's tenacious struggle for the abolition of sati marks the beginning of the movement for reform on behalf of women. Launched during the third decade of the nineteenth century, this movement constitutes an important land mark on the Indian effort towards the emancipation of women. Several aspects of this movement deserve consideration as features that illustrate the uniqueness of the Indian context and mark the issue of feminism in Indian. as distinctly different from the issue in the west.

The most distinctive feature of this movement is that it was initiated

by men. It was only towards the end of the century that women joined the fray. The list of names the men who championed the cause of women's is long Raja Ram Mohan Roy,

Ishwar Chandra Vidyasagar, Keshav Chandra Sen, Mulabavi, Phule, Agarkar, Ranade, Karve ... to mention a few. It reveals that their efforts spanned action to abolish the practice of sati, the custom of child marriage, the custom of disfiguring widows, the ban on the widow remarriage among the upper castes and a host of other evil practices that affected women. It further reveals that while they concentrated on removing evil practices, these men were also actively engaged in advancing the status of women by promoting their education, by obtaining for them legal rights to property, and by requiring the law to take cognizance of their status by providing them with some basic rights in matters such as adoption.

Conflict of Purpose

An equally significant feature, is that these 19th Century and early 20th century benefactors of women pushed reform on behalf of women in the face of total unwillingness on the part of the British government to interface with Indian customs. The British, it may be noted, were unwilling to interface with Indian customs for the simple reason that they feared that tampering with tradition would make them unpopular and destabilize their rule. Thus, as rulers, concerned about the stability of their empire in India, they were willing to put aside their liberal values and moral convictions, and to allow their subjects to continue with inhuman practices against women, it was only because of the dogged persistence of their western-educated Indian subjects that they were compelled to move. The quality of this doggedness is

Indian women's disapproval of the feminist anger. The second is their somewhat mixed and confused reaction to the feminist emphasis on patriarchy, and particularly on men as the principal oppressors. The third is their relative inability to tune in to the demands for equality and personal freedom. Understanding the roots of each of these three reactions is independent from the point of view of gearing both activist

feminism, and women's studies in India to the Indian ethos and Indian convictions.

An Exasperated Response

It is possible to understand and to sympathize the anger in western feminism when one recognizes the gap between what is professed and what is practiced by the way of commitment to equality in the western society. Regardless of whether they are based on capitalist or on socialist political ideologies, all the countries of Europe and North America claim equality as One of the core principles of their political philosophies. Beginning with the liberal ideals of Locke and Rousseau, that triggered the French Revolution on the Declaration of Independence that led to the birth of the American constitution and the consolidation of the USA as a democratic federation, European and American societies have since the last three or four decades of the eighteenth century loudly asserted equality. Yet, they have refused to accept women as equals. Long and painful suffragette movements, bitter struggles for the acceptance of the idea of equal pay for the equal work, continuing battles on behalf of women's right to abortion and to the practice of birth control, are some of the visible marks of the gender inequality that has persisted and that women have had to fight for in spite of the commitments that were made under the circumstance, Feminist anger in the west may be seen as women's cry against the hypocrisy of a culture that accords centrality to the values of equality and individual freedom, but nevertheless denies equality to women.

A Hierarchical Society

The situation in India is altogether different. Indian society has always been highly hierarchical. The several hierarchies within the family (of age, sex, ordinal position, affinal and consanguine kinship, relationships) or within the community (particularly caste, but also lineage, learning, wealth, occupation and relationship with the ruling power) have been maintained and integrated by means of a complex

combination of custom, functionality and religious belief. The harshness and oppressiveness of all these hierarchies is somewhat relieved by a strong sense of deference to superiors, a sense of mutuality, a series of behavioral codes which bend superiors to fulfill their obligations to their inferiors and above all by a philosophy of self-denial, and the cultural emphasis on sublimating the ego.

The concept of equality as a correlate of the concept of individual freedom is an alien to Indian society. It was first introduced into Indian culture through western education and through the exposure of western-educated Indians to liberalism at the beginning of the nineteenth century. But it did not become an operational principle of Indian life until the country achieved Independence and adopted a democratic system of government. At the point the constitution granted women political status fully equal to that of men. Thus Indian women did not have to bear the kind of injustices

Feminism : Indian Ethos and Indian Conviction

One of the most distinctive features of women's studies as an academic is that many of the scholars in the discipline have been attracted to it by deeply personal questions regarding the status of women. Sometimes these questions are born out of some of their own painful encounter with life, as battered wives, unwanted daughters or wiling mothers, as women discriminated against, oppressed or exploited within and outside their homes. However, frequently, they also occur as a less tortured but equally committed response to the powerful statements of feminism.

The promptings of an Indian consciousness

As feminism arrived in India, Soon afterwards in the mid seventies, many Indians were seen to respond to the feminist statement. Well formulated, though it was the western statement of feminism seemed to jar upon their sensitivities. In fact it turned several Indian women away from the cause. A growing number of women are willing

to speak out and to act. Nevertheless a large section of the population recoils from the feminist rhetorical. It is possible that they do so because they are too entrenched in tradition to recognize their oppression. But one must also consider the possibility that they respond as they do for the simple reason that it does not take adequate note of the historical circumstances and values that render the women's issue different in India from that in the west.

Since the situation of women in India in fact is quite miserable and a great deal needs to be done on their behalf, it is a pity that the Indian statement of their problems is often couched in statements that sound alien and which, therefore, fail to hit the mark. In order that the women's cause in the country gain the massive support that it needs, it is important that Indian feminists understand the Indian context thoroughly and that they phrase their criticism, their arguments and their demands on behalf of women with sensitivity to the Indian society.

Distinctiveness of the Context

Quite apart from this pragmatic consideration, the articulation of the distinctiveness of the Indian context is important, in as much as a recognition of differences of context of each country or culture, and a careful consideration of the implication of these differences, is necessary from the point of view of bringing greater depth to an understanding of the problems concerning gender discrimination. Although networks linking social science research across the world are growing rapidly there is a general tendency to observe and to describe realities in terms of concepts and theories shaped in the context of western experience, and to pass over the distinctive features of nonwestern cultures. In the process, the contours of multicultural reality are flattened, sometimes beyond recognition.

There are at least three specific points on which the perceptions and the sentiments of a noticeably large number of Indian women seem to diverge from those of the western-influenced feminists. By far, the most conspicuous of these is the average.

Table I: Comparison of India with the developed and the neighboring countries in respect of the gender issues.

S.No	Bases of comparison	India	Pakistan	Banladesh	Srilanka	China	USA	UK
1	Total fertility rate - 1995 - 2000	3.1	5.0 ¹	3.1	2.1	1.8	2.0	1.7
2	Maternal mortality rate	40.8	NA	44.0	NA	65	NA	NA
3	Life expectancy at birth 1995-2000	60.9	65.6	58.7	75.6	72.3	77.2	76.7
4.	% of population below the poverty line	35.0	37.3	35.6	35.3	04.6	..	-
5.	% of pregnant women with anaemia	88	37	53	39	52	-	-
6.	Year of granting right to vote to women	1950	1947	1972	1931	1949	1960	1928
7.	Year of granting right to contest in the election to women	1950	1947	1972	1931	1949	1788	1928
8.	Year of becoming the first women parliamentarian	1952	1973	1973	1947	1954	1917	1918
9.	Women in Govt. (at All Levels) (1998) At the ministerial level At subministerial level	4.9	3.0	U	6.7	3.7	33.0	20.0
		7.9	7.1	5.3	13.3	2.6	26.3	23.8
10	Literacy rate in 1998-Male Female	4.2	1.4	0.0	4.8	4.0	33.4	19.4
		65	50	56.0	94	82	-	..
11	Female Enrollment in primary schools	43.5	28.9	28.6	88.3	74.6	...	-
		71.0	...	69.6	99.9	99.9	99.9	99.9
12	Females' Enrollment in Secondary Schools	48.6	.. -	87.0	79.3	65.1	96.2	93.2
13	Rate of involvement of Females in economic activities (1998)	41.8	34.4	65.8	41.9	73.2	58.2	52.4
14	Rate of involvement of males in Economic activities (1998)	49.3	40.5	76.2	54.4	86.2	79.3	73.2
15	Unemployment rate in the of 15-64 age group years (1998) Male Female						4.5	6.9
							4.7	5.3

Source: India 2001-2002 _ observer Statistical Handbook (New Delhi: Observer Research Foundation, sept.200 1 -computed).

One need not be totally blind in acc;epting the western concept of the gender equality, because the so-called the most developed

American society has started facing the predominance of single-parent families and marriages between the persons of the same sex. On the contrary, marriages between the opposite sexes and fammal units in their full form (husband and wife with or without children) are not yet outdated in India.

The Indian culture is not so bad as to be thrown to the winds. It is true that it is tending to be cruel to wom.en after the appearance of the dowry evil. It needs a surgery but not a tQtal destructions and rebirth, That is why from the functionalist stand point there is a need to restrict the meaning of gender equality to providing women an access to all opportunities of life men are enjoying, without allowing them to learn the vices of men: . Particularly alcoholism, smoking, less respect for religious sanctions behind marriage, etc. which ate aUeged to be vices of men, are found by ordinary WOm.en in some of the women activists. That is why some sort of resentment to the gender equality in the absolute sense is found among both men and women. Because in the perpetuation of the patriarchal system for generations and centuries, both men and women have played equal roles. If men wanted their supremacy to be continued, women by virtue of being delicate found shelter under the safe umbrella of men. Therefore, once the present system digests this limited level of gender equality, then a time any come to redefine gender equality, the a time may come to redefine the concept again to suit the changing needs of the society.

☞ Subjecting women to varying degrees of deprivation and torture is common in all societies practicing patriarchal family system.. If this subjugation is restricted to the functional need of that system, it is understandable. But when it exceeds its limits and tends to be dysfunctional and inhuman., it becomes an insult to human dignity and civilization, necessitating for the empowerment of woman.

☞ Paradox of the patriarchal system is that on the one hand it puts women in disadvantage positions and on the other it alleges that

**Bigamy, polygamy, extramarital relations, aJcoholism, smoking, gambling etc. still supposed to be vice of men in India*

the women have less skills, low ambitions and little biological strength and, therefore, they engage themselves in economically non-viable activities, incidentally countries practicing undue patriarchy are not among the developed countries of the world. India, for instance, with its present rate of development, needs 196 years to reach the present stage of development or the Eastern European countries and 254 years to reach that or the USA. If one takes note of the fact that about half of the population in India are women, one becomes convinced that the huge 'development gap' is because it has not enabled this half to contribute its share to the national economy. It is in this context that the women need to stand on par with men in respect of the opportunities of life.

☞ In some spheres where women have gained entry, they have proved that they can perform better than men can do. For instance in the field of education though wastage and stagnation among females are found to have been more after attaining puberty, getting married and becoming mothers, their performance before these stages are much better than that of the boys. This potentiality of the females, if encouraged could show excellent results. If the women are not given equal opportunities of life, they not only continue to be traditional, but also become a hindrance to the modernization of their families.

☞ Isolation of women from the mainstream economy and their lack of access to information because of socio-cultural and market constraints have led them to become distant from the global pool of information and knowledge. This has indirectly contributed enormously to the slow pace of development. Hence equal opportunity in all economic spheres for women is essential for an overall development of society.

Contextual meaning of Gender equality

Gender equality can be understood in both the absolute sense and the relative sense. Socio-ecological contexts, cultural barriers and changing circumstances usually have a bearing on the definitions of certain concepts; "gender equality" is one such concept. Particularly

in the Indian society characterized by the patriarchal families the gender inequality fulfils certain functional needs like stable marriages, family prestige, division of labour, etc. "Gender equality" in the absolute sense not only disrupts all these functions, but also is beyond the limits of tolerance of the three dimensions of the prevailing family system, namely patriarchy, patrilocation and patrilineage. ■

WOMEN AND CONFLICT IN SOUTH ASIA

Urvashi Butalia

Attempting to map conflict in South Asia is a daunting task. In recent years, the region has threatened to become one of the most conflicted areas in the world. Not only is each country - whether large or small - caught in a number of internal and violent conflicts over resources ethnicities, identities, cultures, politics, but many of these conflicts have acquired intra-country dimensions, spreading across political borders. Indeed, so linked are the different countries of South Asia - despite their many differences - that developments in one country inevitably have repercussions in the other(s). The quarter century old ethnic violence in Sri Lanka for example, has generated thousands of Tamil refugees, large numbers of whom are housed in refugee camps in India. The ethnic violence against Nepali speaking Bhutanese in the southern region of Bhutan has meant that more than 100,000 Bhutanese are now living their lives in limbo somewhere in Nepal, having been forced out of their country. Ethnic and/or communal (i.e. based on religious community identities in opposition to each other) violence against minorities in India, has immediate repercussions for minorities in Bangladesh. The Maoist insurgency in Nepal was said to have built formidable links with Marxist/Leninist groups all along the eastern border of India and with the LTTE (Liberation Tigers of Tamil Elam) cadres in Sri Lanka.

Indeed, the last few decades in the South Asian region have seen an increase in all forms of conflict, whether political, social, economic, or resource-based, or over other issues. Pre-existing historical structures of discrimination and exclusion are today combining with new forms of political economic domination, these are in turn strengthened by neo liberal economic policies and the onslaught of globalizing forces. The emphasis on markets and money means that a number of new, seemingly unholy alliances, centred on markets and money, are taking place between right wing policies, fundamentalisms, military juntas, to create not only newer discriminations but new, resurgent patriarchies, all of which lead to growing violent confrontations and enormous human and development costs.

Although many of the violent conflicts that South Asia is home to stem from different causes and run different trajectories, most can be said to be located within the context of the formation of post-colonial nation states and in the battle for democratic and egalitarian forms of governance. The homogenization and unification that lies at the heart of the nationalist imagination, resulted, all over the region, in majoritarian nation-states and the marginalization of the many other ethnic, cultural, political groupings that formed part of this plural and diverse region. Increasingly, as nation-states failed to deliver on rights, privileges, governance, socially excluded and disaffected peoples rose up in fierce protest, some protests taking the form of violent assertions of identity and the demand for recognition.

However similar or different their roots may be, the ongoing conflicts in the region are also inter-related and often powerfully resonate with each other. Thus the ongoing movement for independence in Kashmir in India is directly impacted by sectarian strife between different communities in other parts of the country. The increase in violence has also meant that many more areas in the region have become militarized, a development which has serious and far-reaching consequences for the lives of ordinary citizens. Violent conflict creates its own factions and petty battles over power, and several of these are fought with small arms which proliferate in the region. The violence

of such battles inevitably finds its way into civic life, within community spaces, homes and families.

The strategies adopted by warring factions, the weapons deployed by the State and by those pitted against it, to do battle, and the fact that the violence is no longer located in a distant killing field, but has entered even the home and the domestic space, has meant that the largest number of casualties in these conflicts have been civilians. The new strategies of violent conflict are not to overpower the enemy with military might, but rather to deploy fear, terror, rumour, sporadic, irrational violence to create uncertainty and fear that permeates the very fabric of life. For such a feeling to take hold, the violence must needs be close to home, close to the daily spaces that people inhabit and function in, and many of these spaces are populated by women. It is thus a truism to say that women are among the major victims of conflict in the South Asian region. Paradoxically, while all these warning signs are there, the sheer size of the South Asian landmass and the density of its population make it seem that much of the violence that we see in the region, no matter that it may have major regional and international implications, remains localised.

Women in South Asian Conflicts

The exercise of mapping violent conflict in South Asia is made much more difficult if one attempts to map from the margins so to speak - in this particular case, from the point of view of women and through the lens of gender. What has this increase in violent conflict, the militarization of daily life, the threats to human security - meant for women? Recent years have brought forth a considerable amount of work that points to the fact that women - not really seen as key instigators of violence or as key actors in violent situations - are among the primary victims of conflict. They experience the violence in very specific ways and more often than not, they are the ones who are left to pick up the pieces in the aftermath of conflict. Their gender renders them vulnerable to violence in ways that are very different from men. Further, research studies have also shown how, in identity based battles,

women are specifically targeted, often becoming (voluntarily or otherwise) symbols of the community, its identity and its honour. This symbolic importance of women is something that is presumably accepted by both or several parties in conflict, which is what makes rape such an effective weapon of war, for both the rapist and the man 'whose' woman is raped (and this is how it is always seen, the woman belongs to a man or a community) accept the profound insult that this violation implies. The truism of the woman as victim of war/conflict/political upheaval and violence does not need much expansion here since it is today so widely accepted. Indeed, while it remains true that the meta narratives of violent conflict foreground the voices and experiences of men, where they do talk about women, it is often just the grieving mother, the widowed wife, the fatherless daughter (Manchanda 2002:14). It is this that has given so much currency to the dominant image of the woman victim in conflict.

Recent research has, however, gone much beyond what now seems like a simplistic stereotype of the woman victim, to point to the more complex ways in which women are involved in conflict. Not only is it now widely accepted that men and women experience violent conflict differently, but further that neither men nor women constitute homogenous groups and even within the overarching category of 'women' for example, the impact of conflict is differentiated by class, location, marital status and a host of other factors. In a detailed study of the ongoing anti-State conflicts in the north-east of India, Roshmi Goswami maps a simple classification of women directly and indirectly affected by conflict who lie between the two extremes of victim and agent. She lists them as:

" Women relatives of armed activists. This includes mothers, sisters, wives, daughters and others who participate, either by choice or compulsion and can become the targets of retaliatory attacks by one or more of the warring parties. Such violence/attacks may take a sexual form, or that of intimidation, or even social isolation.

" Women relatives of State armed forces and officials. These women are involved in conflicts by circumstance rather than by choice,

but the fact of their location -i.e. being relatives of those who are often seen to be the oppressors - often means that they are ignored by human rights activists, sometimes also by the State and have to deal with the changed realities of conflict more often than not on their own.

" Women militants and/or combatants. In recent years this category has received considerable attention, and feminist researchers have posed the question: what is it that draws women to violence? How far do the ideals of nationalism, ethnicity, land and property motivate women whose relationship with them is both complex and troubled, both central and yet marginal. It is now becoming clear that women militants - in South Asia it was believed that women cadres formed a third of the Maoist forces in Nepal (these statistics were given out by the Maoists), a sixth of the forces of the LTTE - were involved in violent conflict often out of choice, at times out of coercion. Particularly in Nepal and Sri Lanka, it is believed that the LTTE and the Maoists increasingly recruited women because (a) there were very few men left to recruit and (b) because of this, families who were forced to 'contribute' a child to the struggle, preferred to give away the female young, who are socially undervalued anyway and are therefore more dispensable, a bizaare boomerang effect of patriarchy.

" Women as shelter providers, once again women who are in battle either voluntarily or through coercion, but in both instances remain extremely vulnerable to attack and violence by both sides.

" Women as victims of sexual or physical abuse could be innocent, often uninvolved civilians, and can belong to any age group. A number of women in Bangladesh for example, found themselves forcibly drawn into providing sex for men - regardless of whether they were soldiers, or belonged to the 'enemy' country, or their own country - simply because they happened to be present at the wrong place at the wrong time.

" Women as peace negotiators. These are women who choose to take on, so to speak, the battle for peace and may or may not be

accepted by society, or by their men, in these roles. When they are accepted, as with the Naga Mothers' Association and the Naga Mothers' Union in Nagaland, they still remain marginal to mainstream peace processes, despite the fact that theirs may have been a crucial role in bringing the subject of peace to the table. Further, while there may be some acceptance for women in the role of peace makers, the moment they attempt to step out of these roles to raise questions of democracy and rights in a post-conflict scenario, they face considerable opposition. (Goswami: 2004: 4)

Goswami's classification will no doubt see further expansion and nuancing, as we learn more about the experiences of women caught in conflict situations. It is already clear for example that some other classifications that can be added here include:

" The displaced/dislocated woman, the refugee, women living and surviving in camps, and women returning to their 'homes' after peace agreements have been signed and peace is said to have returned. The experiences of returnees in Africa, and the difficulty of claiming lands to which they do not have legal entitlement, point to the complicated issues that lie at the heart of this aspect of conflict.

" The woman sex worker pulled into offering sexual services by circumstance, sometimes by poverty; women who become couriers/informers and helpers of State or militant forces in a variety of ways.

" Women activists, journalists, international agency volunteers and workers who are all vulnerable in a variety of ways. In Sri Lanka, activists believe that a well known woman writer, Ranjani Thirangana, was murdered by the LTTE for her work with women victims of rape. Kalpana Chakma, one of the key women in the battle for recognition and survival in the Chittagong Hill Tracts in Bangladesh, disappeared without trace at a time when the conflict was at its height and to this day, her whereabouts remain unknown.

All over South Asia it is gradually becoming clearer that violent conflict has begun to transform gender roles in very specific ways. Sri Lanka has seen an increase in female headed households that is widely, though not solely, attributed to the conflict (Rajasingham

Senanayake 2002, Ruwanpura 2005). Nepal, Kashmir, the north-eastern states of India record similar developments, as does Gujarat in western India (the site of massive attacks in 2002 on the minority Muslim population by the majority Hindu population led by the right wing party, the Bhartiya Janata Party. Feminist scholars and activists have argued that paying attention to women's experiences of conflict 'sheds light not only on the gendered aspects of social and political life, but provides acute insights into other forms of structural inequalities at the heart of conflict.' (Manchanda 2002: 9)

India

Almost from the moment of its rather violent birth, the Indian nation-state has been riven by different kinds of conflicts, over livelihoods, resources, land, identity, religion, culture and politics and, more recently, globalization. If these are the internal faultlines and pressures that India has had to cope with, there have been other tensions around its international borders, with Bangladesh (particularly in recent years), Sri Lanka (with the fiasco over the Indian Peace Keeping Forces and the influx of Tamil refugees), with Nepal (with trafficking in women and now the Maoist insurgency) with whom India has an open border, and of course, with Pakistan (a legacy of the Partition of India, and one which has led to three wars), where the continuing tension between the two countries also helps draw attention away from internal and very pressing problems.

Literature on these conflicts tends to concentrate on what writers see as the 'real' issues, which are often taken to mean the political issues that underlie the tensions. Despite the fact that it is now clear that all over the world, violent conflict and war claim more civilian casualties than they do military, there have been few attempts to map the precise extent of this. In conflicts over resources in India, for example, it is by now well known that the acquisition of rural land for, say, industrialization or mining, mainly impacts the poor, of whom almost 80 per cent are Dalits (or untouchables) and among these, at least 50 per cent are women. Histories of how social exclusion and marginalization are heightened by situations of conflict, and how it is

the poor and weak who suffer the most here, are still to be written. Within India, the two most longstanding theatres of violent conflict, the northeastern region, and the state of Kashmir, have become particularly fraught because they touch upon international borders as well, so that the problems within them can no longer easily be contained as 'internal'. It is to these that I will now turn.

For more than fifteen years now, Kashmir has been caught in the grip of a conflict which, from its beginnings as a people's movement, has rapidly turned into a battle involving at least a hundred different militant factions and groups, with the Indian security forces pitted against them. The situation is no longer one of a 'simple' demand for self determination. Instead, there are groups who believe Kashmir must ally with Pakistan (and who are supported, both financially and in terms of training, by Pakistan, something which has led to a worsening of the already strained relations between the two countries) and others who are committed to an independent state. A strong strand of opinion also favours a special status (more than already exists for Kashmir has been seen differently within the Indian union) as part of India. All 'sides' in this battle use violence, and it is the people of Kashmir whose lives are deeply impacted by this.

It is estimated that between 60,000 to 70,000 people have died, some 4000 are believed to be missing or in illegal detention, more than a million have been displaced and around 15,000 women have been raped as a result of this conflict. The presence of the army, the para-military and police forces is ubiquitous and fear of violence and arrest has now become part of the daily lives of people.

What of the women in this battle ? A closer look at Kashmir reveals a complex picture. For long, women have been invisible in the Kashmir conflict. Unlike in Nepal or Sri Lanka, or even in the Chittagong Hill Tracts in Bangladesh, women do not make up any substantial numbers of the cadres of militants in Kashmir. Whether this is to do with the re-assertion of Islamic identity in Kashmir, or with other realities, is not clear. Because of its long exposure to Sufi traditions, Kashmir has boasted of a different kind of Islam, one which

is more open and tolerant than fundamentalist versions of it, but violent assertions of identity that base themselves on religion, as has happened in Kashmir, do not allow any space for the more open and tolerant versions of the religion. Kashmiri women today are thus under tremendous pressure to 'own' and assert their Islamic identity, with militants issuing directives that women must cover themselves, not step outside the home and so on. (It is important to add here that women, despite the fear psychosis in Kashmir, have strongly resisted and defeated such moves). But although not part of the militant movement in any significant way, women are deeply impacted by the conflict in many other ways.

Large numbers of Kashmiri women, for example, have the dubious distinction of being labelled as 'half widows'. These are women whose husbands are missing (either as a result of the army's search and seizure operations, or because they have been killed by militant groups, or drawn into their ranks), and who have been unable to trace them. Officially, because they cannot produce a dead body, they are not considered widows. But because they are leading single lives, they are seen as 'half' widows. Not only is this not a very pleasant appellation, it also means that these women cannot claim the compensation that the State makes available to women who are widowed as a result of violence, militancy etc.

The long duration of the violence, and the disruption and destruction of ordinary services, has robbed Kashmir of health facilities and health personnel. One of the communities that Muslim militants have particularly targeted has been the Hindu minority of Kashmiri Pandits, a relatively privileged minority who held many of the important posts of professionals, doctors etc. With their disappearance - most have been forced to move out of the valley - medical services have become seriously impoverished, but the impact of the violence on the health of people, and especially of women, is now painfully clear. Stress and trauma are commonplace, and because of the general atmosphere of fear and uncertainty, trust has almost completely disappeared. Hospital services are unavailable, or minimal, and women,

who are tardy in seeking medical care in normal times, are reluctant to visit institutions functioning on a skeleton staff to ask for attention. Nor is it entirely safe, with many hospitals being under the surveillance of militant groups - stories of rape in hospitals, and those of raped women seeking abortion (forbidden by the militants therefore more dangerous) are legion. While most drugs and medicines have disappeared from Kashmir, the most commonly prescribed, and sold over-the-counter drug is Prozac, the anti depressant.

Continuing militancy and violence have ensured the presence of the armed forces and of special units of both the police and the army, in Kashmir. The young men who make up these forces have left behind wives and families whom they seldom see and this is often used as an excuse, to explain their participation in sexual violence against Kashmiri women. While the army has, in recent times, attempted to bring in some controls over its cadres, members of other forces (i.e. non army, special forces etc) have no such controls. In the early nineties, a unit of the army, the Rajputana Rifles, were said to have raided a small village called Kunan Poshpora where thirty women were raped. Later, a State-sponsored fact finding team asserted that the women were lying and there had been no rape. Whatever the truth of the incident - and the State-sponsored team has been proved wrong time and again - the reality is that even today, there are no men who will come forward to marry the 'raped' women of Kunan Poshpora.

Facts are hard to come by in times of conflict and Kashmir is no exception. What has become increasingly clear over the last several years, however, is that levels of domestic violence have risen considerably in the state. The demasculinisation or emasculation of men who become targets of the brute power of the army or other armed actors, often leads to an increasingly violent reassertion of masculinist power within the home. Reasserting control over women becomes a way of hitting back at the powers that be and reasserting control. While this may be the reality, there is a further question that arises: how do women, caught in the middle of violent conflict over issues of resources, identity, different kinds of political claims, raise

the question of violence within the home, the more so at a time when they realize their men are at risk, and they are reliant on them to bring in an income? In the hierarchy of violence that is inevitably set up in situations such as this, violence within the four walls of the home somehow seems to acquire a lesser status than violence outside, and therefore it becomes a more than usually difficult issue to address. But the separation between private and public also gets increasingly blurred and as violence seeps more and more into the interstices of the home, women are forced to ask the question: if and when peace comes to the troubled state, what will it mean for them? A situation of peace outside, but increased violence in the home? What then is the meaning of peace?

Despite women's attempts at resistance, and their private acts of protest, continuing violence in Kashmir has resulted in restricting the space for activism and public protest. More and more women are taking to the veil; activist, civil society groups are hard to find for even the most 'ordinary' activity can become a subject for attack. The two local women's groups, the Duktarane Millat (Daughters of the Faith) and Muslim Khawateen Markaz (Council of Muslim Women) often find themselves marginalized within Kashmir. A different reality describes the experiences of Kashmiri Pandit (Hindu) women - the earlier friendships between Pandit and Muslim women, with rituals being shared and gifts, food, other offerings being exchanged, has given way to a polarization of identities, following on women assuming identity based positions. Thus, while both Muslim and Pandit women have been raped, this has not resulted in a solidarity across identities on the issue of rape. Pandit women have formed their own nationalist organization, Daughters of Vitasta, which supports the communal Pandit demand for a homeland of their own. One of the groups that remains active and well known is the Association of the Parents of the Disappeared, that counts a majority of women among its members, and has one woman, Parveena Ahangar, a mother mourning for her lost son, as its spokesperson. Women members of APDP are demanding information about, or the return of, their disappeared male

relatives, and their resistance takes the form of taking their mourning - seen culturally as a private activity - into the public space. Rita Manchanda points out that protracted conflict in Kashmir has seen the collapse of the divide between the public world of men and the private world of women. As men have retreated, fearing torture, imprisonment and death, women have moved out of the home, going to camps, prisons, to army headquarters, searching for their missing men (Manchanda 2002a).

Cultural policing, rape, lack of medical attention, depression, strengthened patriarchies and masculinities, increasing violence within the home and outside, communalization - i.e. polarization along lines of religious identity, female headed households and the entry of women into an informal workforce to keep the home fires burning... all these and more, count among the complex consequences of protracted conflict in Kashmir. While much has begun to emerge on the experiences of women in recent years, we still know virtually nothing about women partners of militants, or indeed of security forces and army men, women doctors and medical personnel, and even less about the regions of Kashmir that lie outside the valley of Srinagar and are inhabited by, for example, Ladakhis and others. Kargil, a region of the state of Kashmir, lies along the India-Pakistan border, and has been rendered vulnerable each time relations between the two have worsened, with the result that families, and more specifically women, living along that border become particularly vulnerable (Bhagat 2002).

More, the increasing involvement of women in situations of violent conflict has forced women activists to ask other questions. A journalist, Manimala, visiting Kashmir some years ago, was accused by Kashmiri women of having been indifferent to their fate. Why, they asked her, had people from 'India' (specifically women) not bothered to visit Kashmir, to talk to women there, to try and understand their pain? The accusation has some truth in it: the early nineties, when violence in Kashmir was at its height, is also the period when the women's movement in India was at its peak. Yet to activists concerned with questions of identity and violence within the home, and active on those

questions elsewhere, did not pay much attention to Kashmir and what was happening there. One reason for this could be that feminists too, have not really confronted their own nationalism. The 'anti-national' movement in Kashmir, in some ways made the women within it, especially those who may have taken on the ideology of the group who sought independence, or allegiance with Pakistan, suspect and therefore less 'worthy' of attention on the part of feminists.

These, and other key questions are now being raised and addressed by women activists all over India, in an attempt to understand not only what happens to women who are caught in the midst of conflict - conflict created usually by men, but which draws in women in many ways - but also what has guided their own reactions. It is only when they understand this and begin to address the question, that we will be able to take the first steps towards resolving conflict, and restoring peace.

The Northeast: The Mother as Activist

The history of political violence and strife in the northeastern region of India is well known and I will not go into it here. I will therefore turn briefly to the situation of women there. Over the years, as conflicts have intensified, violence has become a common feature of daily life. Many idealistic young men joined the ranks of the insurgents, extortions and kidnappings became common, with the wealthy being held to ransom (as a way of financing the movement). Bomb explosions in markets, public places, offices, were among the tactics used. The Indian State responded by sending in its security forces, and with their arrival another kind of violence entered the lives of ordinary people: search and seize operations, illegal and unwarranted arrests and detentions, 'encounter' deaths where many men, suspected of being insurgents or simply being sympathetic to the cause, were summarily killed, the rape of women, and the invasion of homes, churches, public and private spaces. In Nagaland, two main groups, the NSCN (IM) and the NSCN Khaplang faction led the movement, and were also involved in the negotiations for peace that followed.

Their efforts would, however, have come to nothing had it not been for the key role played by Naga women. Women all over the north-eastern region have been involved in the different political movements in the seven states, in very different ways, and it would be impossible, given the constraints of length and space, to discuss all the movements. It is for this reason that I will focus here only on Nagaland, and more specifically, on an aspect that remains largely absent from Kashmir, for example, and that is, the use of motherhood as a legitimizing badge of courage.

Drawing on the long and rich tradition of grassroots work among women in the northeast (local samitis or groups have been part of community life all over the north-eastern region, a circumstance that is substantially the result of the role of the Church in these areas), Naga women early took to peace activism. One of the most important of such groups, the Naga Mothers' Association (NMA) was set up in 1984. The NMA adopted a broad development agenda that almost naturally led it towards peace activism. Working on development and health issues (for example drug deaddiction) the NMA moved to organizing protest marches and meetings - some headed by religious leaders - in support of peace. In an ongoing dialogue with personnel of the security forces and the insurgents, entitled *Shed No More Blood*, Naga women, mostly mothers, asked that both sides eschew violence. 'The assassinated man,' they said, 'may be a husband, a father, a son or a brother. His whole family is shattered by his violent liquidation, no matter what reasons his liquidators choose to give for snuffing out his life'. (Banerjee 2002: 161)

Collective work was supported by other strategies adopted by individuals and small groups. In 1997, to support the ceasefire agreement between the Indian government and the Nagas (in the shape of the leading Naga faction - NSCN (IM) - members of the NMA walked across the border into Myanmar to appeal to the other faction, the NSCN Khaplang to keep the lines of dialogue open between the two. A few years later, concerned at the ups and downs in the peace process, the leaders of the NMA appealed to the Indian Prime Minister to pay heed to the Naga people's desire for peace. Throughout the peace

process, the NMA, along with other groups, has kept up the pressure not only on the government, but also on the militants and the leadership so that the peace process is not lost sight of. The NMA is joined by other groups such as the Naga Women's Union of Manipur (NWUM) or the church supported group, Watsu Mongdung. The latter has taken up cases of rape, providing assistance for the victim, and has also mobilized groups to demand peace.

Group, clan and tribe loyalties are strong in Nagaland. These of course add a further layer of complexity to women's work for - as in Somalia - where there are similar strong clan loyalties - the women are all too easily divided on the basis of clan or tribe. Within Nagaland, the Ao and Angami groups find it difficult to relate to each other, and this is reflected in the traditional rivalry between their two groups, the Watsu Mongdung and the NMA. Outside of the state these loyalties take a different form for then, the women are acting as Naga women and not as members of their different tribes. In 2003, the Indian government once again negotiated a ceasefire agreement with the NSCN (IM), the dominant faction of the Naga leadership.

The ceasefire was to have been implemented in the state of Nagaland, although the NSCN wished to extend it to areas outside of Nagaland (mainly in the neighbouring state of Manipur) where Naga communities are to be found. In Naga parlance, this extra-territorial area is called Nagalim, which encompasses Nagaland and the Naga populated areas of Manipur. However, recognizing the extra territories as part of Nagaland would mean conceding the Naga claim to these at the cost of the Manipuris. Thus the latter vociferously opposed the extension of the ceasefire to 'their' areas while the Nagas tried hard to fight for it.

Much of the support for the Naga ceasefire came from Naga women, and much of the opposition to extending it to it came from Manipuri women. In Manipur, groups of women known as Meira Paibis have been, like the Naga Mothers in Nagaland, in the forefront of the move for peace and there have been times when the two groups have worked together. Now, as thousands of Meira Paibis came out in

spontaneous protest, holding flaming torches deep into the night, the solidarity and collaboration between the two groups seemed a thing of the past. Both took on the mantle of 'their' people, no matter that the leadership on both sides was male, and patriarchal. A further irony was added to this: night-time protest marches with flaming torches has been a traditional mode of demanding peace. It was now being used by one group of women against another.

While division is very real among Naga women and Manipuri women, there have also been moments and histories when they have come together to work on common issues. The Naga Mothers' Association has often been joined by its Manipuri sisters. More recently, an incident of the rape and murder of a Manipuri woman by men of a unit of the Indian army, the Assam Rifles, called up an unusual and fierce reaction by the Meira Paibis. Twelve women, mostly middle aged, took the extreme step of stripping themselves naked in public and standing outside the headquarters of the army unit, in protest, daring them to come and rape them, shaming them publicly. The incident instantly came to national attention, but in Manipur, it provided an opportunity for Naga and Meitei women to come together over the issue of army rapes. Joint meetings were held, statements of support drafted and circulated, and a campaign mounted to bring the rapists to book.

In recent years, feminist analysts and activists have drawn attention to the very complex consequences of violent conflicts for women and children. Not only are they among the primary victims of different conflicts, but their sex, their social location, their gender roles and their marginalized status in society ensure that they experience the consequences of conflict in very specific ways. For example, as Roshmi Goswami, an activist from the north east region of India pointed out in a conversation, 'Women's work patterns make them particularly vulnerable to attacks and atrocities by rival factions [in the struggle] for it is the women who have to go out to collect firewood and water for the family.' (Goswami: Personal conversation) This apart, it is also clear now that more and more women are being drawn into violent

conflict, sometimes out of choice and at others, forcibly. For some, as in some instances in Kashmir, the choice is an economic one. With the loss of male earning members, women are forced to find ways of keeping families together, and entering the lucrative business of conflict - whether it is providing information, or acting as couriers, or simply providing sexual services - becomes a possible, and sometimes an attractive option. Often, violence is attractive for other reasons, as for example, in the recent massacre of Muslims in the western Indian state of Gujarat, in which women participated actively in large numbers. That they did not actually take to arms and physically kill and maim, is beside the point for what is clear is that for many women, the ideology behind the killings, and the violence that it called for, was entirely acceptable, and something they were willing and eager to act upon. I do not have the time to go into detail on what happened in Gujarat and in any case we are all familiar with this terrible history. Here, let me mention only a few aspects.

One of the remarkable, and disturbing things about the Gujarat massacre was the participation of women. In virtually every instance of violence, women were to be found among the attacking mobs, or lending support through the preparation of weapons and petrol bombs. Later, when fact finding teams went in to survey the situation and to prepare reports, they found that while Hindu women were at first sympathetic with the sexual violation of Muslim women, it did not take them long to start spouting the hate filled propaganda of the Hindu Right, which asserts, among other things, that because Muslims do not believe in family planning, and because they have many children, they will soon overtake the Hindu population. A mere look at the population percentages: 80 per cent (Hindus) as opposed to 12 to 15 per cent (Muslims) shows up the ridiculousness of such a claim, but when mythologies are being built up, they have little to do with truth. Nor were those women who chose to espouse violence, slow to insist that their 'grievances' and feelings be taken into account by institutions like the National Human Rights Commission.

The Gujarat massacre left hundreds of families homeless and

destitute. For women, this means an increased burden of work, and for those who have lost husbands, it means taking on the responsibility of earning to keep the family together. Battling to do this in a public sphere which is so totally vitiated by all the hate that is being spread against women (largely made up of sexual innuendo) is no easy task. And for women's groups working in the area, the business of putting together the fabric of daily life, to enable women of different communities to work together to tackle the real issues of their lives, such as poverty, food security, health, is a formidable challenge. I will point to only two other questions that the Gujarat massacre raises, and these relate to the problems faced by women's groups who have attempted to intervene. When all evidence of rape or sexual assault is destroyed, how is one to mobilize the law, and to use it to bring the culprit to account. What does justice mean in this regard? The second question that came up for many activists was that when they attempted, in the interests of seeking justice, to document the experiences of women who had been sexually violated, many of the victims told them that their priority at the moment was not justice (a concept in which they had little faith anyway) but they simply wanted to get on with their lives. At least, they said, they were alive. Some requested the activists not to record their stories, because this made them more vulnerable, not only to the attackers who were still at large, but also within their own community where they would forever be labelled as 'raped women'. The question of what to do in situations like this is one that activists have not yet found a satisfactory answer to.

Nepal: The Woman as Revolutionary

Across the border from India, in the northern mountain state of Nepal, a different kind of conflict raged for several years. Known as the People's War or the Maoist Insurrection, depending on which perspective you take, this conflict has led to untold violence and thousands of deaths. Nepal, a Hindu kingdom, and a constitutional monarchy, is also home to many ethnic groups, several of whom live in the most underdeveloped regions of the country. Nepal's experiments

with democracy and the setting up of a multi party system in 1990, saw the entry of left parties into parliamentary politics. But very soon, disenchantment followed, and barely four years later, two key left leaders began to prepare for armed struggle. Starting with three of Nepal's 75 districts in 1996, the armed struggle has today spread to more than 45 districts, and has occasionally also reached the capital city of Kathmandu. The relative success of the movement can be attributed to the extreme poverty, and the almost total failure of governance, that has dogged Nepal, particularly those rural areas in the western hill districts that are far removed from the centre. Here, the men have largely disappeared - either in search of work in Kathmandu or further afield in India, or in order to escape the violence or indeed to escape being forcibly recruited into the ranks of the militants, or have been killed. Many villages are left with only women to carry on the business of living. It is they who bear the burden of poverty, they who are left to make ends meet. Indeed, so extreme is the situation that even cultural taboos, resilient at the best of times, have been broken and women now plough the fields, something that is banned to them in traditional Hindu society. Ironically, but not surprisingly, when Maoist guerillas come seeking further additions to their cadres, it is poor peasant women who provide the largest number of willing (and sometimes not so willing) and ready recruits. Many have been inspired by the ideals of the movement to join, but increasingly, in a cruel twist, the coercive recruiting of the Maoists now nets mainly women, and more specifically younger and younger girls. Families who have seen the violence and have lost male children to it, now prefer to offer up young women to the movement, rather than young boys. The former are more dispensable. At the time of writing, more than a third of the cadres in the Maoist movement in Nepal were female, it is said that in some instances nearly 50 per cent of the mid level leadership was female, although, unsurprisingly, the very top leaders still remained male. Apart from the fact that women are the ones who are left to face poverty, the movement had a strong appeal for women because at its base lay land reform, which recognizes

equal property rights for women. There were also stories of women joining the movement because their husbands have been killed or taken away by the army and the police forces, and a desire for justice and revenge leads them to take up the gun. The story of Sabita Gatri, whose husband was killed for no reason at all, is well known. Sabita joined the Maoists and in a defiant refusal to wear the marks of a widow, she continued to wear the vermilion mark of a sumangali, or a married women, and the pothay, or red bead necklace that identifies a woman as married. This is her badge of resistance. Maoist publications and propaganda use stories such as Sabita's to inspire other women to join and support the movement.

Women's active participation in the guerilla movement in Nepal needs to be seen against the context of the harsh realities of the lives of the majority of Nepali women. The grinding poverty and ever increasing burden of work they face, the absence of their men - one in every two households is said to be a migrant household - which means that the pressures and pulls of everyday life have to be borne singly, the fact that many families are forced, because of poverty, to sell their daughters into prostitution (more than 7000 women and girls are trafficked across the border into India every year, the majority of them coercively). Added to this is the fact that in Nepal's majority Hindu population, gender discrimination is rampant (as it is elsewhere in South Asia). The country leads in maternity deaths in South Asia, until recently abortion was not legal, the literacy rates for females are much lower than those for men, and Nepal tops South Asia's gender inequality ratio with a figure of 1.6. Despite the fact that women form the backbone of the subsistence economy, married daughters have no claim over parental property, and unmarried daughters can only claim it after they reach the age of 35, provided the property is still intact. This right is immediately forfeited if they marry. Although this overall reality looks somewhat more complex when it is differentiated by region and district, broadly, this is the reality of the lives of most Nepali women. It is not surprising, then, that peasant women form the backbone of Nepal's guerilla movement although even here, some of

the old patterns are repeated, with higher caste women being part of the leadership and the cadres being made up mainly of those who belong to the lower echelons.

Perhaps here more than anywhere else, there is also evidence that in situations of conflict when women are thrown back on their own resources and men are largely absent, certain kinds of opportunities open up for them. Shoba Gautam, Amrita Banskota and Rita Manchanda point out that in Mirule Village District Council there were no men to contest the elections. Because of this, all six elected members of the ward are women, including the chairperson. Indeed this is not unusual and there are whole villages in Nepal where men are not to be found. (Manchanda: 2002)

In the districts that were under their control, Maoists ran a virtual parallel government. For women, this meant having a say in governance, and an involvement in the day-to-day affairs of the villages in which they live. The breaking of traditions referred to above, the taking up of arms, the participation in guerilla operations, all of these have been tremendously empowering for women who were until recently completely secluded and cut off from any involvement in public life. In many villages, Maoists cadres take part in dispensing justice and settling local disputes. A number of cases of domestic violence and alcoholism have been dealt with, husbands being warned and/or punished, and this has instilled confidence among women and has ensured greater involvement. While this is one important reality, there are also others. The early stages of the movement saw a number of women in important leadership positions. But as the movement has spread and become more politicized, women's leadership at that level seems to have reduced. The top echelons remain male, but policies ensure that when cadres are sent out on assignments, there is a balance of male and female, with sometimes more women than men to ensure that no untoward incident takes place. When such things do come to light, justice is swift. Nonetheless, the Maoist agenda does not have a very clear role built into it for women. Recognizing that women's emancipation does not have to wait till the revolution succeeds, nor

will it come automatically with a changed form of governance, is one thing. Actually ensuring that the new dispensation will not recreate and recast patriarchies is quite another, and remains an open question in Nepal.

Pakistan: Internal Fissures

The problem of Sindh, one of the country's provinces, has dogged Pakistan ever since its birth. The key group involved in this conflict is the Mohajir Quami Movement, made up largely of immigrants who left India at the time of Partition to make their home in Pakistan. Founded in 1978, the Party is mainly based in urban Karachi and has been fighting for the rights of the immigrant population. In this, it has come up against local opposition, for the 'original' inhabitants of the area, i.e. those who lived there before the two countries were created, are reluctant to share power with those they see as 'outsiders'. Indeed, despite more than a half century having passed since they came to Karachi from India, these communities continue to be seen as immigrants.

Anis Haroon points out (Haroon 2002:182) that demographic data about Karachi and the MQM shows clearly that the Party has the support of the middle classes and the young educated unemployed who believe that their circumstances are a result of their ethnic identity. Many women have also formed part of the support structure of this movement, wearing symbols such as scarves in the colours of the party to show their sympathy. The MQM consciously chose to mobilize large numbers of women. In 1989 for example (ibid) as many as 7500 women workers enlisted to join the movement in a single day, moving out aggressively into the public arena. Their initiative was lauded in the media, the MQM leadership spoke of it appreciatively, and more and more women were encouraged to come out. Even those in burqas had no restrictions on their movements. None of this activity, however, meant the presence of women in the higher echelons of the movement that remained male dominated. For some considerable time, the women themselves were content to remain in the shadows, visible but not in any way questioning of the structures of patriarchy inherent in the

movement, barred from attending indoor meetings, but pulled out to show solidarity whenever a public declaration was deemed necessary. The women supported these moves because they felt they were fighting for the mohajir cause. When a young woman was gang raped by a rival faction, the MQM leadership took her case to the media and appealed to the 'good boys' of the party to come out and offer to marry her. Her rights did not count.

That the women were basically being used instrumentally by the party, and there was very little intention of actually addressing issues of importance to them became very clear when activists of the national organization, the Women's Action Forum, tried to contact MQM women to work with them. Initial attempts were resisted and opposed by the MQM. Gradually, however, WAF began to make progress by adopting a strategy of simply providing a space for women to talk, where WAF activists would just listen. The numbers of women who came to these meetings began to grow, until they were ready to form their own organization, a development that was greeted with suspicion by the leadership. However it was not easy to stop the formation of this organization and once it was done, the MQM was forced to take notice of the issues being raised by women.

Bangladesh: The Challenge from Within

The coming into being of Bangladesh as an independent nation in 1971 was an act of assertion against the homogenizing Pakistan state. Inhabitants of East Pakistan, later Bangladesh, felt strongly that their Bengali identity was being subsumed in the larger and more powerful Pakistani, mainly Punjabi, identity and that their homeland was basically being used as a backyard for Pakistan. This history is well known and need not be repeated here. What is worth noting, however, is that while one kind of movement for self-determination and identity led to the formation of a new nation, within that nation it left other identity battles unresolved. One of the areas that remained as an internal question, was that of the Chittagone Hill Tracts, the area inhabited by a number of indigenous ethnic groups, in which the

Bangladeshi State consciously settled non-hill Bengalis. Over the years, these settlements, and the fact that fertility rates among the hill peoples are not high, led to a reduction in their numbers. From the early days of the independence movement for India and Pakistan, the hill peoples of the Chittagong Hill Tracts had sought some control over their lives and livelihoods. Bengali settlers and large hydro electric projects threatened their existence and they began to build a movement for autonomy. With the coming into existence of martial law in Bangladesh following on the death of Sheikh Mujibur Rehman, the liberator of the country, repressive measures were brought into operation against the hill peoples. The continuing resistance of the hill peoples resulted in the area being brought under army control in the seventies and curfews and killings became routine.

In time the government began a dialogue with the Jana Samhiti Samiti, the representative body of the hill peoples and a process of reaching an accord began. Peace talks were held between 1987 and 1995 and a peace agreement signed in December 1997. The hill people's struggles had the support of both men and women, with women joining in large numbers and helping, through songs and other means to communication, to mobilize support for their cause. A Hill Women's Federation, formed in 1989, helped to take up cases of sexual violence, particularly at the hands of the armed forces, against women and to build support for the cause among university communities. Over time, the Hill Women's Federation became the most important group to take up organized resistance, and the issue of rape and molestation by the security forces became one of its key agendas. At first they collaborated with government personnel in enquiry committees that dealt with cases of rape and gradually, when they found that they could not easily expect a fair hearing from government officers they turned to street demonstrations. In order to build support for their cause and the cause of the hill peoples, the Hill Women's Federation joined with other organizations in a unique initiative known as gonopicnics. Basically real picnics where people met to eat and drink and enjoy themselves, these gonopicnics often involved whole villages

and part of the agenda was to discuss issues of importance to the people and to raise awareness about the causes at stake. The insecurity that many women faced in their daily lives with the very visible presence of the army all around them was a powerful factor that drew them into the cadres of the Hill Women's Federation that gradually became an important force in the struggle of the hill peoples.

So powerful did the organization become that the army had to resort to abducting its leader and most significant symbol, Kalpana Chakma from her home in June of 1996. Kalpana, a graduate student, was a vocal and outspoken woman who did not hesitate to tell the army what she thought of them and it was following an altercation with an army officer that she was picked up. Her abduction sparked a nationwide protest and reaction and brought the gender issue to centre stage. Nonetheless activists within the hill women's movement have often complained of being marginalized by the mainstream women's movement in Bangladesh. As Meghna Guhathakurta (Guhathakurta 2002:286) describes it: 'Before Kalpana Chakma's abduction and murder, the Hill Women's Federation had managed to make its presence felt at the national and international level. They had participated in the 8 March 1994 women's movement rally on International Women's Day, with their slogan 'Autonomy for Peace'. They also went to the NGO Forum '95, constituted a separate task force on indigenous women, barely two lines were included on the topic in the summary of the official NGO report. This reflected the hesitation on the part of some Bangladesh NGOs to deal with an issue that had become a matter of political controversy. On the other hand, the movement that rallied behind Kalpana Chakma was exceptional to the extent that many human rights and women's organizations demonstrated on the streets and joined hands with the left and trade union activists to protest against the kidnapping in unambiguous terms.'

Sri Lanka: The Woman Activist

The majority (74 per cent) of Sri Lanka's population is Sinhala Buddhist, 18 per cent of it is Tamil, largely Hindu, 7 per cent are

Moors (Muslim) and the remaining one per cent make up other communities. The roots of conflict in the country lie here, in what Kumudhini Samuel calls "the failure of post independence nation building to accommodate the interests and needs of its multi ethnic society within a framework of pluralist democracy" (Samuel 2003). The Tamils are further sub divided into the Sri Lankan Tamils, seen as the original inhabitants, and who occupy the north eastern parts of the country, Tamils of Indian origin, who are second or third generation descendents of Tamils brought over from India as indentured labour. While these people mostly occupy the north eastern parts of the country, much of the south is dominated by the Sinhala community.

As with the north east of India, in Sri Lanka too, demands for parity and later the right to self determination for the Tamils led to a claim for autonomy, and an independent State. Violence followed, becoming an integral part of the struggle, which gradually came to be dominated by just one Tamil group, the Liberation Tigers of Tamil Elam, or LTTE. Other non-State actors who also saw themselves as representatives of the Tamils, have been gradually wiped out by the LTTE. The Tamils have been at the receiving end of considerable discrimination at the hands of the Sri Lankan State, particularly in relation to land, language, education and political power sharing (Samuel 2003). Successive measures taken by the Sri Lankan State have served to strengthen its majoritarian Sinhala character, and heighten the Tamil sense of betrayal.

Over two decades of violent conflict have also led to exhaustion among the population who no longer wish to see violence, and who want to get on with their lives. This has also meant a loss of sympathy for the LTTE cadres among the Tamil community, and attempts have been made to resolve the standoff between the State and the LTTE through outside intervention, in particular Indian (which proved to be disastrous and the behaviour of the Indian Peace Keeping Force is believed to have led to the assassination of Rajiv Gandhi), and Norwegian. Most such arrangements have fallen through, and the most recent one of these is the peace accord, again brokered by

Norway, that was signed by the Sri Lankan government with the LTTE in 2002.

Civil society groups in Sri Lanka have been at the heart of the demands for peace. Tired of the constant atmosphere of fear and violence, and what it is doing to daily life, people are becoming increasingly vociferous in their demand for peace. Key among these civil society groups are women, Tamil, Sinhala and Muslim who have consistently refused to allow themselves to be divided along ethnic or religious lines, and have maintained relationships of support and friendship in order to keep peace at the core of their work. Women began to demand peace negotiations long before the ceasefire agreements came into being and the current peace negotiations began. Indeed women's involvement dates from the late seventies and early eighties, important years for the women's movement all over South Asia. Violence against women and rape have formed a major part of women's work, and the battle to have minority voices included in peace negotiations has also been initiated by women. Samuel outlines the socio-economic and cultural issues women have focused on:

" personal security to be free from violence

" economic security on the issue of livelihoods for women, for female headed households and for the displaced and war affected communities living in poverty

" cultural security around issues such as marriage, dowry, widow ostracisation, remarriage, remarriage and reproductive health and rights

" legal security such as the fate of the disappeared, the eradication of discriminatory laws, the difficulties of bringing perpetrators of rape and violence to book and of dealing with domestic violence

" political security in respecting women's right to freedom of information, expression, association, political representation and decision-making. (Kumudini Samuel: *ibid*)

It was to draw attention to these issues that women's groups in Sri Lanka both supported and critiqued the peace accord brokered by the Norwegians. Their first criticism was that the negotiating table

had completely excluded women (with the exception of one woman who had only observer status and who had little connection with grassroots women's groups) and therefore had not attended to women's concerns, particularly those of minority women. Their support was for the move towards peace, important in all sorts of ways for the population of the island country. In response to pressure from women's groups, it was finally agreed at the third plenary session of the peace talks between the government and the LTTE to set up a women's committee to 'explore the effective inclusion of gender concerns in the peace process'. A ten member committee - the Sub Committee on Gender Issues (SGI) - was set up, and is facilitated by a Norwegian women minister. The SGI has five government nominees and five from the LTTE, the former being chosen from the non governmental sector and not being affiliated to any political party, while the latter's nominees are from leadership positions within the organization.

The setting up of the SGI in response to pressure from women's groups is without doubt one of the most significant developments in the process of peace building. It is not only a recognition - albeit belated - that women are key actors in the peace process, but also that they have a substantial contribution to make in building peace. However, a number of ambivalences still remain. For the women activists the question is: how central is the SGI to the peace process? Having been set up as an additional committee, will its recommendations be taken at all seriously? Can it expect to retain the role that it has been given throughout the peace process or will it find itself marginalized? Can it be expected that the five members drawn from the LTTE will work for the rights of women generally, or will they repeat party positions which could be inimical to the broad gender concerns of the committee. Further, the peace process - now at a standstill - can be derailed by any political development, and that may leave the SGI in a somewhat anomalous position.

Conclusion: Warning Signals

From revolutionaries to right wing women, from peacemakers to

grassroots workers, from widows and wives to heads of households... this broad sweep across South Asia has only been able to touch on a few of the ways in which women are involved in, impacted by, and take part in the many violent conflicts in this region. Inevitably, a number of issues and struggles remain unaddressed, and those that have been touched upon, are dealt with only briefly. Each of the violent conflicts included in this study merits an independent study by itself, and anything that attempts to pull them under one broad head must needs be partial, and somewhat sketchy. Nonetheless, certain things do emerge from our study.

The first of these is the difficulty of generalizing either about a region or about women's involvement in conflict. Within the South Asian region, women act as victims, perpetrators, and play a host of other roles that lie between these binaries. In many ways, their activism is defined within the boundaries of, and against the context of the kinds of political formations within which they exist. Virtually all of the South Asian countries considered here have strong governments and States of one sort or another: within each of these political formations then, the space for women to act, or for them to seek justice as victims of conflict, is a somewhat differentiated space and therefore has to be looked at differently. Similarly, women's movements in each of these countries have followed different trajectories and an examination of these, however cursory, helps us to gain some perspective on the experiences of women in violent conflict. In Kashmir for example, women victims of conflict have accused women activists in the movement of being distant and of not extending a hand of understanding, or indeed of friendship, towards them. And indeed the truth of their question needs to be taken into account: the years when the Kashmir conflict was at its peak in terms of insurgency and the impact on women, are also the years when the Indian women's movement was most active, and yet, the concerns of Kashmiri women, whether Muslim or Hindu, do not seem to have occupied the mainstream of the women's movement. Does the answer lie in the fact that somewhere women activists in women's movements have

also internalized the rhetoric of nationalism and that movements that seem to be anti-national, as the Kashmir movement is, therefore do not call up their sympathy?

The question posed by the Hill Women's Federation to the women of the mainstream movement in Bangladesh, or the fact that the Nepali women's movement has not made common cause with women in the Maoist movement (which begs another question, would they have been allowed to if they had wished to) are questions that still remain to be answered. In Sri Lanka, women's groups consciously kept up their contacts with grassroots women, but had little to do with the LTTE's women cadres mainly because the organization imposed strict rules on its own women. Nonetheless, the impact of the kinds of issues taken up by the women's movement was felt within the LTTE with the organization addressing itself to issues of domestic violence, sexual harassment and so on.

Within South Asia women's involvement in peacemaking has shown not only how the quality of peace can be altered by the understanding women bring to it, but also the ways in which they prepare the ground for peace long before men make it to the negotiating table. Nonetheless, their expertise in this area is seldom recognized and the very fragile nature of their involvement, as in Sri Lanka, shows how much still remains to be done if an enduring peace is to be built. Sri Lankan women activists have been critical of their own contribution to the peace process - other than insisting on representation they say, they did not ensure that they worked with the State to detail the nature of that representation. When it came then, it was only a shadow of what they had asked for or wanted, but given that the shadow was all they had, they had to work with it.

Women's experiences of conflict in South Asia point to the many problems that the subcontinent is facing, and provide an early warning of what can happen if the region continues to militarize in the way that it has been doing in recent years. While the overall semblance of a sort of stability is very much in evidence in South Asia, women's experiences direct us to another reality, the danger of worsening

conflict, worsening violence and worsening human rights and entitlements. These are early warning signs that demand our urgent attention.

* This paper was originally written as a background paper for a study by UNRISD (United Nations Research Institute on Social Development). It does not, however, represent any views other than the author's own. ■

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- *while this may be the case, it is also important to take note of some cautions. As Mahmood Mamdani points out in his study of the Rwandan conflict, locating a particular conflict in a particular region, and focusing only on that, serves the purpose of, in many ways, naturalizing what are essentially political and administrative divisions. Additionally, it serves the purpose of isolating the conflict and making it seem as if there are no links with the outside world.*

SECULARISM AS IDENTITY : THE CASE OF TAGORE'S GORA

Jasodhara Bagchi

I MUST THANK the organizers of this extraordinary seminar for giving me this opportunity to broach a subject, however tentatively, the dimension of which has been haunting all of us ever since 6 December 1992 when we lost the Age of Innocence. The majority community, with suitable assistance from the state machinery, desecrated a magnificent historical edifice of India. That day we lost the foundation of secular India, on which rested many groups designated as 'minority', as well as a large section of the majority community.

This paper is a modest attempt at retrieving a strand of this functioning of a secular identity. My own conceptual tools are next to non-existent here. I have, however, derived sustenance from the enormous effort of fellow activists and scholars in the field. It is primarily because of their invitation that I thought that I must start on this. It is time we turned our gaze somewhere else. And it is with the indulgence of some of these activists and scholars that I have dared to open the pages of Tagore. Despite the brittle presence of mindless liberal piety among the ruling classes of India, I have begun the venture of reading 'against the grain.'

The discourse of culture that has considerably invaded the social sciences, currently fashionable in international scholarship, is not likely to take very kindly to this paper (Said 1993; Chatterjee 1994; Das

1990; Nandy 1990; 1983). One of the ways in which I do think that the current that I have just referred to in a rather negative fashion may help us is to make us realize, as Flavia points out in a very interesting context, how secularism has been naturalized and how this entire process of naturalization has resulted in loosening many of the threads in our mental horizons. So I am not alone in trying to recover these threads. There are many groups which have done it. I may refer to some of them as I go along. 1

The poststructuralist, postmodernist trends in the modern discourse on culture have emphasized difference rather than commonality (Young 1980, 2). This has meant that universalism in any form tends to be dismissed as tyrannical and authoritarian, attempting to smother specific identities of individuals, groups and, ultimately, nations.² For countries like ours, which have emerged from the experience of the colonial domination of the West, according to this standpoint, the most blatantly universalist forms are perceived to be adjuncts of Western supremacism : its twin channels of dissemination are meant to be modernity and progress (Said 1978, 46ff). The colonial venture, with its mendacious ideological façade of 'improvement' was supposed to have used some of these universalist categories to justify its exploitative presence on Indian soil. Rationality was one of the main items that the British were supposed to have introduced into the savage, irrational colonies. With the dynamic push of rationality, born in Enlightenment Europe, the colonizers had hoped to get the static Oriental Despotism to move with the modern line of progress (Nandy 1983; 1990). With this equation of rationality with colonial domination, came the other facile generalization that it is through a sustained principle of 'difference' from the colonial masters that the resistance to colonial rule may be articulated. A kind of identity based indigenism came to be the entity to fall back upon (Bagchi, forthcoming, a) How far is this reading of the politics of this situation justified ? The most obvious anomaly that comes to my mind arises from the fact that the universalist principles that were borrowed from the civil society for the colonizers was articulated on a principle of

cultural relativism. In trying to codify the civil laws of India, the Orientalists relied on native informants chosen according to religious communities. This was the foundation of the Personal Laws that still operate in India, which are based on the religious scriptures of each community. The idea was that the private sphere was to be governed by religious scriptures of each community. The idea was that the private sphere was to be governed by religious laws, which would cover marriage, inheritance and property rights. Property rights, of course, could be overridden by the claims of the state whenever they come in conflict with those claims. Whether or not an individual was religious, in the eyes of the civil law, she/he was constituted as belonging to this or that religious community (Parashar 1992, 46ff). Identity grounded on that of a religious community was used as a weapon against the masters during the anti-colonial resistance. Here comes the paradox : in the name of fighting colonial domination, the nationalists chose as their weapon precisely the element that the colonial masters had devised as a ruling category : religious identity.

Having fixed the identities of the two major communities in religious terms, the imperialist game was to play one off against the other. Reason in the post-Enlightenment West would appear to have had two faces. Taking the Foucauldian construction of Reason as Panoptical or a category of repression and surveillance, appears to take the dialectic out of it, so that all human beings appear to get trapped in the Panopticism with no suggestion of resistance (Foucault 1975). It is with this equation between Reason and domination that the entire colonial argument itself is fraught. By this reckoning the native is the perpetual deviant because of being compulsively irrational. The answer to the domination of the foreign Occident was to celebrate whatever was identifiable as native, authentically Indian, and that in itself would create a space that would be capable of generating adequate resistance to such domination.³

As will be evident to anyone even perfunctorily acquainted with the problematic, the related domains of Reason and its Other have, in class societies, had two faces. On one side it marginalizes, in order to

suppress the other, the other extending from women to native indigenous people and Dilits to working class and minority communities. With its other face, however, it is precisely these categories that Reason releases, offering possibilities of equality and liberty, and gives them hope of coming on their own. Equal opportunities for the colonized is a demand that necessarily questions the status quo in the name of Reason. This is the revolutionary Reason that helps to galvanize society from its relative moribund static state and to make it move into the future. The galvanizing principle is formulated in the European context as a revolutionary principle, a principle that was actively present, as Eric Hobsbawm (1962) has demonstrated so aptly, right through the first half of the nineteenth century.

By one of the ironies of history, the experiment of colonization by the British, seen from the end of the colonizers, cashed in on the euphoria of this so-called revolutionary half-century. In India the missionaries and the non-religious. West shared a proselytizing zeal and were gratified to discover a live demonstration of the shackles of the static Oriental Despotism that was supposed to have bound this society in chains. It is through the ideological domination that the British presence in India camouflaged its commercial design of reducing India to a mere producer of raw material, relying upon the fruit of the Industrial Revolution in Britain to produce the finished goods of which India in her turn became the captive market. This was the ugly face of *douce commerce* that aimed at setting the common man in Britain free in order to suck the blood out of the ordinary Indian cultivator and artisan. We have to recognize the two faces of Reason from the very inception. With one, it broke the shackles of feudalism in Europe through the forces of so-called modernity. The other took the form of colonial domination that was guided by the most crass motives of extraction of resources from the fabulously wealthy East, taking the garb of rationality and a civilizing Mission.

Looking at the perception of our tortuous search for identity and the historiography that is being built around it, one of the worst casualties has been the abdication of Reason and Progress to this

vicious colonial argument. The founding fathers of our incipient nation really did face a difficult choice in deciding where to draw the line. The anxieties and desires got built into mythologies that instantly aligned themselves with Hindu identity representing the emerging dominant culture of the country (Bankimchandra 1886; 1887).

The reform of orthodox Hinduism and its obvious anti-human practices came to acquire typical stereotyping that seems to have made their re-appearance in the recent indigenism, whether in its form of sophisticated postmodernist, poststructuralist critiques of the Enlightenment or the modern celebration of Hindutva. Equality and Justice are derided as somewhat blanket terms that forcibly now out differences to ensure domination.

If we look at this anti-Reason anti-reform argument that was articulated in the context of our colonial history, we shall see the complex dynamics it came to acquire. Three different compulsions came to be articulated in different combinations : one was a tendency towards a universalist internalist frame within which the new knowledge came to be articulated; its exact obverse was to deny the universality of Reason by emphasizing specific identity of the indigenous, articulated mostly along religious lines. The third voice, far more difficult to reclaim or recover, tried to locate a stronger and more scrupulous identity in a domain not under the surveillance of religion. To the third domain belong social groups often marginalized in the ruling categories that include a form of insensitively homogenizing Reason. The lower strata of both the communities of Hindus and Muslims often combined in syncretist experiments (Chakrabarty 1993). Among the upper strata women often excluded from education delved into their own mixture of piety and sympathy to make rational and universalist choices (Rasasundari Devi 1876; Jyotiromyee Devi 1991). I shall open the pages of Tabore to remember one such strand in our nation-making process, now on the point of being permanently set aside.

It was in the aftermath of the swadeshi movement in Bengal, when Lord Curzon tried to 'dissect' the state of Bengal, as Ashalata Sen had put it,⁴ along lines of religious identity, that Rabindranath

Tagore turned seriously to the question of identity and selfhood in matters relating to possible national identity. In his piece called 'Self-Identity' published in the famous Brahmo journal *Tattwabodhini Patrika* in 1912, Tagore cogitates on the thorny problem of 'identity' synonymous, interestingly enough in Bengali, with the word for 'acquaintance'.

The fact is that identity itself poses certain problems. Even if I say that I am nothing there is a difference with one who says that he is something. This difference itself may lead to fisticuffs and other violence. There is a difference between what I am and what I am not. Identity invariably spells the identity of difference.

(Rabindra Rachanabali, 1985, vol 18, p. 254)

No, this is not Derrida. You are listening to Tagore barely turned fifty, negotiating the challenge of swadeshi. This was in the wake of the new image that was being campaigned for him in the West, by the lobbyists for the Nobel Prize.

In his own terms, Tagore is also debating one aspect of Hindu identity that had haunted the nation-building process in Bengal. Firstly, this is because it is the part of colonial India where the imperialist wedge attempted to build geographical units along lines derived from religious community, and this is where my reaction to Gyan Pandey's paper comes from : the Partition as a never-ending process remains with us. It is a very old game, and Bengalis have had to grapple with it. Secondly, this is where the orthodox Hindu mores had been challenged since those days of Raja Rammohan Roy by reforming Hinduism and a new religious identity was forged through Brahmoism. In this essay Tagore explores the problem of why he is a Hindu, even though he is a Brahmo, and why he is not a Muslim even though he is a monotheist. Though there is a clear attempt at naturalizing Hinduism as the only acceptable indigenous identity, he very consciously opposes attempts to reify this identity, to make it monolithic and rigid (and I need not remind you of the way in which the Hindutva arguments today have been still harping on the pluralism of Hinduism and have gone on to build a monolith). To quote Tagore :

Human identity is the identity of his [a person's] nature.
Part is ripe, part unripe : one is created by his will, the
Other is quite beyond it. It is dangerous if all his nature
Is ripe, just as if all of it is unripe.

(Rabindra Rachanabali, 1958, vol 18, 452)

Fortunately for us, this somewhat wooden sounding discourse has been fully rehearsed within the fictional mode. Tagore's famous novel *Gora* was serialized from 1907 in an avant-grade journal, *Prabasi*, which was the cultural organ of the Brahmos. Using the antagonism between the orthodox and the westernized ways of the Brahmos, Tagore tries to pose profound questions regarding identity, selfhood and the question of self-respect when faced with colonial domination. Some of the most nuanced explorations of these are worked out through the components of bourgeois realism borrowed most immediately from the West : man-woman relationship and parent-child relationship from some of the most significant channels of expression and provide some of the most poignant moments in the novel. If one takes the two other novels that Tagore wrote, almost exclusively focused on aspects of the Nationalist movement, *Ghare Baire* and *Char Adhyay*, *Gora* is certainly the least didactic and the most mulled of the three. At the heart of the novel, however, there remains the problem of discovering oneself through religious forms. To that extent one may consider the essay on 'Self-identity' referred to earlier as an extension of the novel *Gora*.

The novel poses a set of binaries among its characters. On one side are the abstracted embodiments of orthodoxy. I suppose, in Tagore's terms, What could be considered as the overripe part of the society : *Gora's* father, *Krishnadayal*, and his weak son *Mahim*; *Mahim*, who wants to marry off his ten-year-old daughter, entirely in conformity with the demands of the re-invented Hindu orthodoxy of the nineties, and *Krishnadayal* who is getting so orthodox that he is gradually relinquishing the touch of anybody in the family and lives in an enclave of his own : *Harimohini*, the orthodox Hindu widowed aunt of *Sucharita*, the parallel protagonist of the novel, who starts her journey towards

secularism from the opposite and form Gora, and Pareshbabu, the Brahmo, who represents the wisdom, tolerance and a brand of internationalism of the late nineteenth century. On the other side of the same coin, in the name of Brahmoism, operate Panubabu, the Brahmo intellectual (who could easily have been the younger Tagore himself because there were a group of young intellectuals who tried to bring life into the Brahmo community), sucking up to the British magistrates and upholding the providential presence of the British, and Baradasundari, the ubiquitous anxious mother, waiting to get her marriageable daughters married to eligible bachelors. The two young pairs of young men and women are Benoy, more acted upon than acting, and Lalita, chafing under the subservient mentality of her Brahmo compatriots; Gora, the eponymous hero, impetuous like a meteor, who has donned a Hindu orthodox robe in order to serve his own country and to free it from British domination. And Sucharita, the model helpmeet, brought up on what is flexible and creative within the Brahmo system. In her person she combines a joint Hindu and Brahmo upbringing. The desired ideal presence is divided between the two elderly units of parenthood : Pareshbabu, the Brahmo without orthodoxy, and Anandamayee, the most oppositional image of motherhood presented in Bengali, for that matter, in Indian literature of the colonial era.⁵

The entire novel revolves round the question of identity : quite gratuitously, Tagore has introduced a note of mystery around the birth of Gora. It is no accident that he is named Gora, the white one, for he is not born a Hindu at all, but was a white child who was left an orphan during the Mutiny of 1857. Unaware of his 'infidel' origin, Gora adopts the intolerant ways of brahminical orthodoxy in order to organize his patriotic activities. The compulsion behind this is entirely a matter of self-definition through religious identity. Extrapolating from history, Tagore ascribes to Gora the political idiom of a later time. What had merely emerged in very early rumblings of nationalism in the phase of the Hindu Mela, which was a self-help kind of a craftsmen's fair organized by the early swadeshis of the 1880s, was a way of projecting

Hindu national identity as the national identity.⁶ What Gora has embodied is the way Hindutva was being made ready in the context of anti-colonial resistance. Bankimchandra had no qualms about setting up the dreams of an independent Hindu kingdom in Sitaram in the place of an independent Indian nation. The Muslims replace the British quite easily in the imagination of an intellectual colonized by the British. It is hard to believe that the fictive time of Gora is the same as that of Bankim's social novels, so much has Tagore infused the novel with the spirit of later times. By making Gora the product of the Mutiny, Tagore had introduced into his period, what has now emerged as a critical component in our lives.

During the first two decades of the twentieth century Tagore, with several other energetic men, was trying to fight for the making of a New Man : someone who could represent India in its extended dimension and who could use Brahmoism as a way of infusing energy into the moribund ritualism of Hindu practices. Thus Tagore makes a distinction between Hinduism, which for him is the synonym of the national collectivity (even now used in the current French usage- 'Hidou) and Hindutva, in an uncanny prediction of the present-day political situation. Hinduism for Tagore, corresponds to religion, something that has a natural human ebb and flow. Hindutva, for Tagore, is theocracy, a clogging up of the blood vessels. Let us listen to Tagore in Act According to the Master's Wishes :

One must remember that religion and theocracy are not the same things. One is fire, the other is ash. When religion submits to theocracy, the sand on the river bed lords it over the water. The currents cease, the river bed yawns like desert. When on top of this man celebrates immobility, it is a gumboil on a goiter. Religion says, if you do not respect human beings neither the abuser nor the abused find happiness; theocracy lays it down that man is an infidel, if he cannot elaborately follow the rules of humiliating man mercilessly. Religion says those who make living beings suffer needlessly kill souls; Theocracy says, however great the suffering, the parents who serve food and water to the widowed daughters on special days of the lunar month murture sin. (Rabindra Rachanabali, 1958, vol.18, 554)

The last reference is quite potent in our literature and thinking. A number of women writers of Bengal joined the male authors in portraying heart-rending portraits of young girl widows dying or nearly dying of thirst and hunger on the eleventh day of the lunar month. The parents preserved their caste purity, first by marrying little girls off to men of the upper caste old enough to be their fathers, if not grandfathers. As I have argued in my paper on the socialization of girl children in colonial Bengal, girl children were treated as badges of identity by upper caste male Hindus, differentiating themselves from the loose licentious mores of the Western colonial masters, and of course, the lower classes (Bagchi 1993).

Turning to Gora what Tagore makes clear is that the identity of a Hindu is not exhausted by liberal Brahmos, the votaries of rationality, nor by the orthodox Hindus, with their atrophied ritualism and exclusionary purity. In an extraordinary sequence Gora discovers the anomaly of his use of Hindu identity to promote anti-British agitation. This is the scene when Gora and his parrot-like disciple, in a moment of extreme hunger and thirst, find only one Hindu family of barbers who could possibly offer them water and food. The rest of the villagers are poor Muslim peasants. The reason why they cannot accept this hospitality is because this kind-hearted Hindu family has given shelter to a Muslim boy, saving him from the police of a colonial state. After refusing their hospitality in favour of a Brahmin in another village, who is supposed to be a 'pure' Brahmin but who is quite clearly a tyrannical comprador, Gora's first moment of fissure is visible. He thinks :

What desecration we are perpetuating by making purity an entirely external event. Is the perpetrator who is victimizing the poor Muslim the man in whose hands my caste purity is safe, and the good man who is giving shelter to the Muslim boy even at the risk of social ostracization the man I shun for fear of caste pollution ?

(Rabindra Rachanabali, 1958, vol. 6, 281)

This is the first time he begins to doubt. The irony has reached Sophoclean proportions here. Isn't Gora an infidel boy, saved from extinction by a kindly mother, who has brought him up as her own

son? So the identity of Hindutva with which Gora was fighting British domination was, likewise, a mere exteriority, in fact, sham.

It is Gora's mother, Anandamayee, who has the strength to bear the weight of the secret of Gora's birth, The father, Krishnadayal, is frightened by it and takes shelter in exaggerated Hindu ritualism. Motehrhood, which is normally an essentialized, exclusionary symbol of the besieged motherland, is given a completely new dimension in the image of the rational mother shorn of ideological trappings, responding to human beings without doctrinal reifications. Krishnadayal's death relieves her of the need to keep Gora's secret. Gora is released from the badge of Hindutva that he had worn in order to assert his cultural identity as a mark of differentiation from the British.

Gora is allowed to retain a little space of identity-based difference. He was the son, it turns out, of Irish parents, a colonized people, for whom the Indian nationalists had more than sneaking sympathy. As in his assessment of Sister Nivedita, herself Irish, on whom the personality of Gora is supposedly based, it is the internationalism of Nivedita's vision that Tagore emphasized, instead of her Hindu revivalism.⁷ Nivedita's absorption into the neo-Hindu orthodoxy of Ramakrishna, or her current appropriation by the BJP of West Bengal is because of her celebration of mother goddess worship in Bengal, particularly of Kali. Tagore had sensed some of this and had embodied it in Gora's exaggerated Hindutva which he later sheds.

The secular outlook that Gora regains at the end of the novel is not just a narrative ploy, a happy ending that rounds things up in a spirit of reconciliation. Taking Gora and his discursive prose written right through the first and second decade of this century, we see Tagorer fighting religion as a basis of political life. While not denying the importance of the search for self identity, he searches for a secularism that is inclusive and indigenous at the same time. Such a secular identity Tagore found in Lalan Fakir, a great baul who followed the Sufi tradition. It was during his supervision of his father's zamindari in East Bengal

that Tagore discovered Lalan Fakir and he did what he could to popularize this man who blended Hinduism and Islam in his songs of body-lore (dehatathva).

Gouri Chowdhury (of Action India, Delhi) gave me one of their journals which has a very useful translation of Lalan in it, and I would like to share it with you before I go on with my paper :

The Hindus and Muslims are sundered into two. The Muslims aspire to their particular heaven named behest-jannat; The Hindus dwell on theirs called swarga; Both these words are like formal gates, lifeless. Who cares for them ? God is deserting your temple as you amuse yourself by blowing conch shells and ringing bells.

This is Lalan. And it is not at all accidental that it is with Lalan's poem, made famous by Tagore himself, That the novel Gora opens :

How does the unknown bird go in and out of the cage ? I would have trapped its feet with the mind shackle, if only I could catch it.

Nor was Lalan an isolated phenomenon. Tagore's reading of Indian history that entrusted the unity of the society to the oppositional voice, had discovered the medieval bhakta sants who had helped to keep the thread of the continuity of Indian history alive :

And yet the genius of India went on working albeit through the tremendous obstacle of the shackled mind of the people. In the Vedic times, as we have seen, it was mainly Kshatriyas who repeatedly brought storms of fresh thought into the atmosphere of the people's life when it showed signs of stagnation. [Interestingly Tagore included Ram in this Kshatriyas invasion of Brahminism.] In later ages, when the Kshatriyas had lost their individuality, the message of the spiritual freedom and unity of man mainly sprang from the obscure strata of the community where belonged the castes that were despised. One of them being a Mohammedan weaver, one a cobbler and several coming from ranks of society whose touch would pollute the drinking water of the respectable section of the Hindus.

(Ghosh 1966, 34)

Thus Tagore is making a historical structure when he opens the

novel with a song from Lalan Fakir. In his recently published book, Sudhi Pradhan, the octogenarian cultural activist of the original IPTA, has claimed Lalan and Rammohan Roy to be the twin exemplars of indigenous secularism. Situated at two ends of the spectrum of class division, Rammohan and Lalan Fakir were both cultural heroes of Tagore (Pradhan 1993). Both embodied the blending of Hinduism and Islam that must have constituted indigenous society before the British put in their communal wedge of domination. Belonging to the subordinate strata of society, Lalan could keep the secular/rational spirit of syncretism alive much longer. It was the exigencies of the material existence of the poor that kept Lalan's secularism alive (Chakrabarty 1993). The more exclusionary process of class formation obscured much of the liberatory aspect of secular rationality as a foundation of life.

As the class-based nationalist agenda increasingly reified and homogenized the religious identity of Hindus and Muslims, Tagore searched for a secularism that was not a harsh rejection of religion. What he was opposed to, was the regimen of rationality, that was based on a principle of exclusion. Anandamayee, Lalita and Sucharita, all three women have stood on the side of non-sectarian reason that finally helps Gora to find an identity that is no longer oppressive. The gender and caste barrier that hounded Gora when he donned the robe of Hindutva, disappeared in the end. He seems to have resolved the tension that, however, continued to bother Tagore right through the next two decades. ■

NOTES:

The translations of Rabindranath Tagore's works are by Jasodhara Bagchi.

1. *Two of the most notable documentary films of our times, Ram ke Naam (dubbed 'In the Name of God') by Anand Patwardhan and I live in Behrampada by Madusree Dutta are instances of this effort.*
2. *The steady invasion of postmodernist 'pluralism' with its attendant*

- 'fragmentariness' into the reading of Indian history may be seen as we move from Partha Chatterjee's early work (1986) to his later work (1994).*
3. *To a certain extent, Bankimchandra's complex attempt to answer colonial moral bullying with a cleansed (not reformed) Hinduism from the 1880s is an example of this trap of identity. I would specially like to draw attention to Krishnacharitra and sitaram. Tanika Sarkar has recently analysed the phenomenon with a great deal of finesse. See also Kaviraj (1995).*
 4. *Writer, nationalist and social reformer (1894-1986) who lived and worked for many years in the former East Pakistan.*
 5. *I call her 'oppositional' because of the tendency to turn mothers into mythical proportions in the colonial era (Bagchi 1990).*
 6. *Fortunately, there are many people who are working in this area. So very soon we shall have a lot of scholarly explorations on this subject. I would like to acknowledge the work of Dr. Indira Chowdhury Sengupta who has worked on the construction of Hinduism in Bengali nationalism. She has just finished a large piece of work on the way Hinduism was constructed in the nationalist discourse. Her material on the Hindu Mela in the 1860s shows the polarization between the two communities and the process that I have characterized as self-ethnicization elsewhere. This coincides with the lifespan of the fictive Gora, though the novel was written in the aftermath of the swadeshi prefiguration of nationalist militancy. See also Chowdhury (1993, a,b)*
 7. *See Rabindra Rachanabali, 1958, vol 18, 487-497.*

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WOMEN IN POLITICS

33% RESERVATION - ARE WE READY?

Patricia Mukhim

Women in politics presume that women are not part of politics. This is a wrong notion because every human act is political. Aristotle says politics is a means for creating a more organised and peaceful society and it provides a method to manage and resolve conflicts which naturally occur between humans. Politics provides the space for civil discussion and rational compromise. Politics by its very nature stems the need for violence and according to Plato helps prevent descent into chaos. Party politics which is the essence of a parliamentary democracy vests the authority for governance on the ruling party which secures the majority of seats in the state assembly or parliament.

Politics is therefore about authority. It envisages leadership vested with power to enforce the consensus and the rule of law. Without authority politics is not possible. The most widely understood notion of politics is seen in the working of government institutions. On the broader side, politics is also about organizing, raising voices, forming advocacy networks to push for policy changes. Activism is politics. Getting information through the RTI is politics, making government accountable and pushing it to deliver is also politics. In a democracy citizens are expected to engage with government ceaselessly. This too is politics.

Electoral politics is therefore only one part of a huge mass of what we understand as politics. Politics does not mean only contesting

elections. Those who participate in other ways to create space in electoral politics for themselves and others are also into politically active. Let's look at the gender movement which germinated in 1975. By 1985 workshops were held across the country to discuss women's issues. But topics which were centred on women in politics or women and politics were not very popular or encouraged. The political space was so male dominated that ceding even an inch of that space was not acceptable to male politicians. Moreover, politics in India, as we know it even today is still a much gendered issue. The few women who join politics come from the educated, high caste families who are propped by male members of the family or because of dynasty. Few women can make it though their own merit.

The issue of women in politics picked up only after 1995 following the Beijing women's conclave. Gradually issues of gender mainstreaming which address the undercurrents of women's unequal roles began to be flagged. It took a while before the central planning processes were subjected to the gender analytical lenses to see whether those policies benefited women or addressed their special needs. Then women pushed for gender budgeting in all government schemes to assess whether women's strategic and basic needs received adequate financial allocations in order to bring the desired change in their lives, mainly in health and livelihoods.

It took a while for those in government to understand that gender budgeting is not about extra allocation of resources but for re-allocating those resources because in the area of health for instance, women suffer more vulnerabilities because of their reproductive roles. They are prone to cancers of the uterus, cervix and breast over and above other cancers. After menopause they are vulnerable to osteoporosis and other hormonal imbalances which take a toll on their bodies. Adequate resource in water and sanitation are essential for their health. Upgrading women's skills enhances their access to employment and raises their position in the home and society.

It may come as a shock to those who do not spend too much time thinking on women's issues to know that our homes and families

are very gendered. The duty of cooking, washing and caring for the ill is still very much a woman's duty. To say otherwise would even be sacrilegious. Women suffer and die due to inhalation of kitchen smoke day in and day out, and also due to malnutrition. Many women still die during childbirth. In Assam the maternal mortality ratio is close to 847 per 100,000 live births.

To speak of women's empowerment in this scenario where women still do not have a voice strong enough to demand their rights is sometimes considered premature. However, that is the only way out and a beginning must be made somewhere. But the word 'empowerment' has today become so clichéd as if it is an injection that could be given to boost up women's power. The irony is that we women ourselves often unwittingly perpetuate patriarchy and resist change perhaps because to do otherwise is to upset the family equilibrium and to bring conflict within the family. So women prefer to buy peace and suffer silently.

It is for this very reason that the state which is guided by the Indian Constitution which says that all citizens enjoy equal rights, should take up a position and create that equal space for women and men in all areas of their life - social, political and economic. The state needs to invest enough resources to create awareness among women because awareness precedes change. The state is expected to bring about beneficial legislation to back up women's access to all forms of resources so that they can upscale their livelihoods and add value to their own lives and that of their family members.

Let me dwell on the world 'empowerment.' Empowerment happens when I can get out of my biological role and forget that I am a woman only and strive to achieve those things that were considered beyond my reach. When I can stand up and speak and do what I want without being constrained by male prejudice and without being conscious that I am a woman, then I can say that I am an empowered citizen. When masses of women become conscious of their rights and stand united to fight for those rights, then that is empowerment. Women therefore need to understand their roles and capabilities beyond what

has been culturally defined for them. They ought to have the courage to change. Their mindsets have to transcend the dogmatic cultural stereotypes. Women need to say that they are not meant only to fulfill their biological roles as mothers or their social roles as nurses, cooks and tutors. They have a larger calling and need to fulfill that calling.

Sadly even educated women who teach in schools, colleges and universities are diffident about claiming their full rights. In fact schools, colleges and universities should actually be the hub for women's activism. Every college today has a Women's Cell or a women's study centre. But these are under-staffed and under-endowed. They are there just to fulfill the UGC norms. Principals who are usually male do not make extra effort to see that the Women's Cell blooms and becomes a dynamic crux for transforming gender stereotypes. Needless to say, women can only succeed in politics if they break the stereotype that has been constructed by a patriarchal culture for thousands of years. Even language has to undergo some radical transformation because language defines our worldview and the way we do things and live our lives.

In the US for instance women no longer use the word forefather but call them foremothers instead. By natural justice women should enjoy 50% reservation of seats in states assemblies and parliament. But the argument still gains ground that women are best suited to be home makers and that men are emotionally cut out for politics. In that case one might ask why is Sonia Gandhi so powerful and Indira Gandhi before her? Are they exceptional women or is it because they come from powerful dynasties? When it comes to politics we have a serious mindset problem. Many of us women think politics is bad; politicians are corrupt; that we need money to fight elections and not only that but also muscle and mafia. So can women succeed? What about if their homes break up or they lose respect?

These are all arguments which have been put out to dissuade women from taking the plunge into politics. That is why we need the Women's Reservation Bill to be passed not just by the Rajya Sabha but also by the Lok Sabha. But as of today it seems like the Bill is yet

again cold-stored as issues of corruption take centre-stage. But this does not mean that women should sit and wait in silence. The Bill will bring retributive justice and is a step towards beneficial legislation.

However let me pose this question- Are we women ready for the Bill. What happens if the Bill is passed tomorrow? Will we have enough women to contest elections? In fact this is the very question that men in all political parties are asking as if men are always ready for politics. The other question is whether there are enough educated women to join politics. Does anyone ever ask a man who uses his thumb impression why he wants to fight elections? The 33% reservation is actually a big eye-wash. It shows that even after 60 years, the Indian state has not created space for equal opportunity in politics. Is this gender justice? Cynics sometimes ask what would happen if there are more women in politics. Or if they would speak in one voice and bring radical change? Why are similar questions not posed before men?

It is true that 68% of women in Parliament today are crorepatitis. But there are many men as well who are in the same league! Why does the question become important only when it relates to women? Some have asked whether women too would have to use money, muscle and mafia. Well, the idea of getting more women in politics is to soften its contours and give it a more humane face. Whether women succeed to do so depends on future electoral reforms and legislations.

To the question- are we ready, let us say that women are always ready for freedom, for liberation. Let us remember that no mass movement in this country could have succeeded without women. The Assam Movement is a good example. The unfortunate part is that once the agitation was over and talks were concluded with the central government women were quickly forgotten.

In the present Lok Sabha, 59 out of 543 MPs are women which is nearly 11% and the highest ever. The BJP fielded 44 women out of which 13 were returned. The Congress set up 44 women candidates of which 23 won. Uttar Pradesh has 13 women representatives in Parliament and West Bengal 7.

If the WR Bill is passed there will be 179 women in Parliament, plus other who might contest from open seats. This will bring a huge difference in Parliament. However, with or without the Bill women should be ready to contest the next elections. But how engaged are we? Every woman's organization prefaces its constitution with the words "we shall not be involved in politics". How practical is that? We need politics in every aspect of life. As Jane Addams aptly says, 'Politics is housekeeping on a grand scale. Eleanor Roosevelt a feminist leader of the 1920s says, "We must do the things we think we cannot do. Women are like tea bags they never know how strong they are until they are put in hot water."

We need to talk to political parties to strengthen their women's wing. Their roles have to be redefined and they have to allocate more seats for women in the coming Assembly elections in Assam. The Congress party which pushed the WR Bill in the Rajya Sabha should take a lead in allocating more seats to women. ■

HUMAN RIGHTS OF ADIVASI WOMEN IN 21ST CENTURY

Gopa Joshi

Human Rights of Adivasi women is a complicated issue. Because, since the beginning of human civilization, both the Adivasi and women have been marginalized groups. The adivasi women the oppressions suffered by the adivasis as well as those suffered by women. In this sense the nature of their(Adivasi women,s) human rights violations is qualitatively different from that of human rights of the mainstream women. Apart from this, the Adivasi women are worst victims of environmental degradations caused by unmindful exploitation of the resource rich regions inhabited by them. In the 21st century, due to globalization and liberalization policies pursued by the World Bank (WB), International Monetary Fund(IMF), and the World Trade Organization(WTO), and the advancements made in the field of technology, both the adivasi communities and the natural environments are confronted with the challenge of their very survival. The national governments are siding with the forces of globalization. In this context the issue before the women of Adivasi communities is not just being victims of violations of human rights of the adivasis and of women. They are confronted with the question as to how to win the battle of survival, the battle of safeguarding their womanhood, their ethnicity, language ,culture, religion, customs and habits. To deal with multifarious issues is not within the scope of this article. Here we will

concentrate on the state on human rights of adivasi women in India in the 21st century. First a few words about the common threat faced by the indigenous people all over the world.

The indigenous Peoples of the world are very diverse. But they all share a common history of injustice. In fact the history of human race has also been the history of exploitation, displacement, destitution and pauperization of the indigenous people through out the world. This process of displacement got intensified with the rise of modern state, adoption of 'Rule of Law' and development of capitalism. The so called developed world is 'developed' with the blood, toil, and tears of the adivasis of the world. The socialist revolutions of Russia and China did not change the fate of adivasis of these two countries either. The adivasis of these countries had to pay the price of socialist development. The new regimes of these two countries also needed the natural resources for the development of socialism. These natural resources were extracted by the state from the adivasi inhabited regions. As far as the indigenous people were concerned they were overtly or covertly forced to be the part of the new centralized polity, which did not suit their economy, ecology, social and cultural system. The political regimes of the newly independent countries opting for liberal democratic systems have also not restored the adivasis' rights over natural resource. The foreign colonial rulers handed over political power to the native vested interest who continued with the neo-colonial exploitation of the adivasis, and of the natural resources-rich adivasi region. The former imperialist nations took their share from this loot and exploitation of the adivasis, and of the natural resources-rich adivasi region. The financial institutions developed at Britton and Wood during 1944-47 e.g. the World Bank(WB), and the International Monetary Fund(IMF) also ensured steady and smooth exploitation of indigenous people. The last quarter of the 20th century saw renewed intensification of activities of the WB and the IMF. The final culmination of these efforts was in General Agreement on Trade and Tariff (GATT) and setting up of World Trade Organization(WTO). Thus in about 55 years, the independent nations have virtually lost their freedom to make policies

according to their national interests. Now they have to adjust, compromise their respective constitutional obligations, national policies to the dictates of WTO--a big onslaught on the sovereignty of these states. The tribal are being doubly exploited by WTO directed policies. On the one hand, in the name of Structural Adjustment Programmes (SAP) the State Governments have been forced to withdraw special provision made to ensure basic amenities of life to the marginalized people. On the other, they are forced to open the resource-rich tribal regions for the Multinational Corporations (MNCs). This has been the biggest onslaught on the human rights of the indigenous people.

Incidentally the last quarter of the 20th century saw women and adivasi groups at the United Nations building up pressure for the recognition of special characteristics of adivasis' and women's human rights respectively. Before analyzing the Human Rights of Indian Adivasi Women in 21st Century it is essential to understand the points raised by the activists of human rights of indigenous people and the women's rights activists. In this article an attempt would be made to understand whether the human rights of the indigenous people discourse has taken into account the uninterrupted neo- colonial exploitation of the adivasis at the international level. An analysis of 'Human Rights of Adivasi Women in 21st Century' requires an explanation both about the special characteristics of the human rights of adivasis, and the peculiar nature of human rights of women. Since the actual enjoyment of human rights of women are conditioned by patriarchal discriminations that are in operation in different countries of the world in different forms we have to take into account these gender based violations of human rights to fully understand the human rights of the adivasi women in India in the 21st century.

Human Rights of the Indigenous People at The United Nations

The Universal Declaration of Human Rights (UDHR) 1948, is the first international document that states that all human beings are "equal in dignity and rights." (Article 1) Everybody is entitled to the rights in the Declaration, "without distinction of any kind, such as race,

colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (Article 2) Convention on the Prevention and Punishment of the Crime of Genocide (1951) defined genocide as killing, causing serious bodily or mental harm to members of the group; deliberately imposing on them harmful or destructive conditions of life, imposing measures intended to prevent birth within the group; forcibly transferring children of the group to another group. These activities aimed at destroying, in whole or in part, a national, ethnical, racial or religious group. The International Labour Organisation (ILO) in 1957, for the first time established binding norms in International Law for the protection of indigenous peoples' rights. In 1969 ILO had another Convention on the subject. The World Bank released its Operations Directive (OD) 4.20 "Indigenous Peoples" in 1991. From 1st July 2005 onwards OD 4.20 is replaced by Operational Policy (OP) and Briefing Paper (BP) 4.10.

The International Covenant on Civil and Political Rights (1966) outlined the basic civil – political rights of individuals. It also made provisions for collective rights. International Covenant on Economic, Social and Cultural Rights (1966), also has provisions for collective rights. Convention on the Elimination of All Forms of Racial Discrimination (1966) is also relevant for Indigenous Peoples. But these documents did focus on the multi-dimensional violations of human rights of the indigenous people. These articles are part of the general human rights discourse. Till the last quarter of 20th century, the multi-dimensional exploitation of the indigenous people did not become a human rights issue.

During 1970s the the adivasi human rights activists raised the issue of perennial and the multi-dimensional exploitation of the indigenous people and insisted on making it a human rights issue. It was at last acknowledged by the international community that for centuries, all over their world, these people have been maimed, killed, tortured and enslaved. Their dignity and identity as indigenous peoples, has been damaged and eroded. Their human rights have been blatantly violated. Even today most of the Indigenous People are illiterate. They

are discriminated in schools and are exploited in the workplace. Unemployment rate among them is very high. National governments have displayed utter lack of respect for their values, traditions and human rights. The Indigenous Peoples are denied the right to live in and manage their traditional lands. They are often dispossessed of the resource-rich land they have inhabited for centuries. In some cases, governments have even enforced policies of forced assimilation to destroy their identity, their culture, language and traditions.

In 1985 the United Nations Working Group on Indigenous Populations, drafted the Declaration on the Rights of Indigenous Peoples. This Declaration was adopted by the United Nations Sub-Commission on the Promotion and Protection of Human Rights in 1994. The draft was submitted to the Commission on Human Rights, which established the Working Group on the draft Declaration on the Rights of Indigenous Peoples. The Working Group, in which more than 200 Indigenous organizations participated, met once a year to facilitate the General Assembly's adoption of the Declaration by 2004, the final year of the first decade of International Decade for the World's Indigenous Peoples. Later 2005-2014 was declared as the "Second Decade of Indigenous Peoples." 1993 had already been declared by the United Nations as the "International Year of the Indigenous Peoples" In April 2000 the UN Human Rights Commission decided in its Resolution 2000/87 to establish a "Permanent Forum on Indigenous Issues". On 13 September 2007, United Nations Declaration on the Rights of Indigenous Peoples, was adopted by General Assembly Resolution 61/295.

This charter for the first time expressed concern that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, their right to development in accordance with their own needs and interests. It recognized the urgent need to respect and promote the inherent rights of indigenous peoples especially their rights to their lands, territories and resources. It was admitted that control by indigenous peoples

over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs. Further it affirmed that respect for indigenous knowledge, cultures and traditional practices contribute to sustainable and equitable development and proper management of the environment.

The indigenous individuals' rights to life, physical and mental integrity, liberty and security of person, as well as indigenous peoples collective right to live in freedom, peace and security as distinct peoples and the right not be subjected to any act of genocide or any other act of violence....is recognized in Article seven of the charter. Individual States have been given the responsibility to stop any action aiming at dispossession of their lands, territories or resources; and any form of forced population transfer which has the aim or effect of violating or undermining any of their rights.(article 8)

This Charter is very important in the context of globalization and liberalization. For example Article 10 of the charter says that the indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Again Article 20- 1. Reiterates the Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal

seas and other resources and to uphold their responsibilities to future generations in this regard. (Article 25)

Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned. (Article 26)

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress. (Article 29)

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement

assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30-2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities. Article 31-1. Indigenous people's right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts also the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. States are directed to take effective measures to recognize and protect the exercise of these rights. Article 30-3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other

resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. (*Italics mine*)

This Charter also recognized the indigenous peoples' right to determine and develop priorities and strategies for exercising their right to development especially the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them. (Article 23) Indigenous peoples' right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals has been reaffirmed. (Article 24 1.)

Besides the aforementioned articles the following articles give special protections to the adivasis children, women, senior citizens and the persons with special needs.

Article 17 2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment. Article 19 States shall consult and cooperate in good faith with the indigenous peoples concernedtheir free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

On indigenous women Article 21-2. States shall pay particular attention to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22-1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Indigenous peoples and their interests are represented in the United Nations primarily through the mechanisms of the Working Group on Indigenous Populations (WGIP). In April 2000 the UN Commission on Human Rights adopted a resolution to establish the

UN Permanent Forum on Indigenous Issues (PFII) as an advisory body to the Economic and Security Council with a mandate to review indigenous issues. In late December 2004, the United Nations' General Assembly proclaimed 2005-2014 to be the Second International Decade of the World's Indigenous People. The main goal of the new decade will be to strengthen international cooperation around resolving the problems faced by indigenous people in areas such as culture, education, health, human rights, the environment, and social and economic development.

It is pertinent to add here that these documents are mere pious declarations. They do set the guidelines but do not provide the mechanism to check the inroads of MNCs in the tribal regions. No where have the GATT, the WTO, the IMF and the World Bank's anti-people policies been questioned. Repeated reiteration of the rights of indigenous people can not empower the people to confront their respective state governments who act as the agents WTO, the IMF and the World Bank. The UN agencies do not touch to the threat posed to the very existence of the indigenous people in general and the women of these communities in particular by globalization and liberalization. In India as we will see later these international documents and the constitutional provisions have failed to protect the Adivasi from the onslaught of the MNCs and the indigenous corporate houses.

Human Rights of Women

After International Year/decade for Women, different aspects of inequality and oppression of women of various countries of world became a matter of public discourse. However, the international human rights community still treated world-wide oppression and exploitation of women as secondary and trivial. The contemporary international human rights discourse projected itself as gender neutral and claimed

to have cross-cultural applicability. Questioning the claim of universality of human rights, Annie Bunting says "the genesis of notions of human rights is historically and philosophically Western." Cultural relativism, which the human rights discourse claims to be its core does not recognize gendered nature of society. It presumes that all members of society benefit equally from social system.

The feminist human rights activists and theorists raising issues pertaining human rights of women questioned the Universal Declaration of Human Rights (UDHR) for not treating the violation of human rights of women as an important matter which should have attracted the attention of international community. Fran P. Hosken, for example, says that, "A human relationship based on equality between women and men is the foundation of human rights and justice in each family and community within each nation, and finally among all nations. Therefore a discussion of human rights on the global level must examine human rights at the family level as well." At the family level the discrimination is in the enjoyment of basic human rights like the rights to food, clothing, shelter, health, education, gainful employment, and personal security. . Female infanticide continues to be practiced in many societies. Women in many societies are legally and unilaterally divorced, driven away from their homes by the male head of family. They are thus deprived of shelter and all economic support. Inadequate access to education and to jobs critically affects the status and independence of women in every society. For example in many societies in Africa, the Middle East, and Asia, malnutrition and anemia is common among women of childbearing age. In India, there are fewer women than men. Trafficking of women, rape, forced prostitution, polygamy, genital mutilation, pornography, beating of girls and women, and segregation of women are all violations of basic human rights. Yet, these violations are seldom addressed by international public interest groups.

Women are deprived of the basic human right to health. The right of a woman to control her own body, based on her access to information about reproduction and sexuality. This information is still

widely denied to her. Article 25 of the UDHR states that everyone has the right to a standard of living adequate for health and well being. It makes special mention of the right to medical care. This article also entitled motherhood and childhood to "special care and assistance." The right of a woman to control her own body, based on her access to information about reproduction and sexuality is one of the most important human rights. Unfortunately it is still widely denied to women. The UN International Conference on Population and Development, held in Cairo, in 1994, and the Fourth World Conference on Women, held in Beijing in 1995 stressed on the use of human rights to advance reproductive health and self-determination. These two Conferences are major landmarks in identifying particular steps that countries have agreed to take to achieve reproductive rights within specified time periods.

The nature of violence against women differs from region to region. Its real magnitude is still not visible. Its scale far exceeds the list of Amnesty international victims. Still the world community generally tends to dismiss these instances of violence against women as individual cases or a cultural matter of the particular community. The women human rights experts say that some acts of human rights violation are not crimes in law, others are legitimized in custom or in court opinion. In most of the cases, the victims themselves are blamed for the violence they suffered. Female subordination is not recognized as a politically constructed reality maintained by patriarchal interests, ideology, and institutions.

The difficulties in defining women's human rights are not resolved. The feminist- theorists who are also advocates of women's rights, have tried to redefine women's human rights abuses to include the degradation and violation of women. In this process they had to counter the public private dichotomy argument. Violation against women is generally perpetrated within the four walls of home, thus, technically beyond the purview of human right discourse. Secondly, human rights of women are culture specific, region specific and religion specific and violations of these rights have to be seen in the context culture,

region and religion. Part III of the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW) discusses measures to ensure equality between the sexes in economic, social and cultural matters and issues relating to equality in family laws and marriage. The CEDAW prescribes that the signatory countries must pursue policies in accordance with the provisions of CEDAW. Part V of the Convention outlines CEDAW's supervisory mechanisms. Lastly, Part VI covers issues like revisions, implementation, and, most significantly reservations. In practice, CEDAW can not directly address the question of violence against women. Within the United Nations, it is not generally regarded as a convention with teeth But it has sought to resolve the contradiction between women's rights and religious rights. While respecting customary practices of different communities, CEDAW does not allow customary practices to deny equality to women. This was further reinforced in Article 4 of the Declaration on the Elimination of Violence Against Women, adopted by the United Nations General Assembly on December 20, 1993.

Adivasis in India

In India the tribal population is concentrated mainly in three geographical belts. First is a belt along the Himalayas stretching through Jammu and Kashmir, Himachal Pradesh, and Uttaranchal in the west, to Assam, Meghalaya, Tripura, Arunachal Pradesh, Mizoram, Manipur, and Nagaland in the northeast. The second belt is bounded by the Narmada River to the north and the Godavari River to the southeast, In this belt the state of Chhattisgarh, Madhya Pradesh, Orissa, and, to a lesser extent, Andhra Pradesh is included. The Central Indian states have the country's largest tribal population (around 75 percent of the total tribal population). There are smaller numbers of tribal people in Karnataka, Tamil Nadu, and Kerala in south India; in western India in Gujarat and Rajasthan, and in the union territories of Lakshadweep and the Andaman Islands and Nicobar Islands. Tribal people have been residing in hilly regions away from caste settlements. They tend to form self-sufficient economic units. In the past, they

practiced shifting cultivation. In pre-British India they enjoyed full autonomy to manage their community affairs. They were not part of Hindu caste system and thus escaped the tyranny of upper castes in the name of religion. Colonial rulers came to India for market and for raw material. The rich forest and mineral resources, and vast tracks of forest land was virtually gold mine for them (colonial rulers). The colonial concept of *terra nullius* (that which has not been conferred by the sovereign belongs to the sovereign) and *terra nullius* (land that belongs to no one) was used as a justification to dismantle traditional political and social systems of adivasi people in India.

History of Subjugation

The first step to legally (rather illegally) dispossess the adivasis of their land was taken in 1793 when the East India Company in the name of Permanent Land Settlement introduced 'zamindari' system. Accordingly vast tracks of forest land, including adivasi homelands were cleared of forest put under the control of feudal lords called the Zamindars. These zamindars did not cultivate this land themselves. They gave this land to peasants to cultivate. Their only responsibility was to collect huge amount of money in the name of revenue from the peasants-the adivasis. Unable to pay the revenue in cash the adivasi-farmer had oft into mortgage his agricultural land to the moneylender/zamindar. The rapid development of the means of transport and communication also facilitated uninterrupted non-tribal migration to tribal regions. In the capacity of landlords, traders, moneylenders, bureaucrats these non tribals went to tribal regions and used all kinds of unfair means to encroach upon tribal land. In this way the process of displacing the adivasis from their homes and hearth was initiated during British rule and is still continuing. The adivasi did not accept their fate lying down. They got organized and opposed the foreign rulers tooth and nail. Their revolts were ruthlessly suppressed. Unfortunately their struggle against colonial rulers even to this day has not become part of our national discourse. The 150th anniversary of India's Independence did not start with Santhal Rebellion of 1855.

But the impact of tribal revolts though scattered and uncoordinated was so deep that British Government had to make some symbolic legal provisions to protect adivasis' rights over forests and over agricultural and pasture land. The autonomy of tribal communities to manage their civil affairs was recognized. These half hearted measures did not however, contain the ceaseless governmental and private penetration into the tribal areas. Adivasis were not familiar with the intricacies of colonial political, legal and administrative system. Henceforth, the government, bureaucrats, and the private vested interest have been using all unfair practices to displace the adivasis from their traditional habitats. The forest laws passed by colonial rulers from time to time and the Land Acquisition Act of 1894 gave legal cover to ruler's illegal actions. The 1894 Act is a draconian law still in operation. It proclaimed the supremacy of the sovereign. It introduced the concept of total colonization of any territory in the name of 'public interest'. The national movement did bring a ray of hope for the adivasis. Like other exploited and oppressed communities they also looked forward for a better future.

The Constitution of India says John Samuel is one of the most rights-based constitutions in the world. It reflected the spirit of the national movement. Accordingly, (on paper) the adivasis got all those rights which the Constitution guaranteed to the people of India. The Fundamental Rights and the Directive Principles of State Policy chapters besides focusing on civil and political rights also made special provisions for Scheduled Castes (SCs) and Scheduled Tribes (STs). In addition there are provisions for reservation for STs and SCs. Article 330 deals with reservation of seats for the Scheduled Castes (SCs) and the Scheduled Tribes (STs). Article 332, for reservations in the state legislative assemblies. Article 335 deals with claims of Scheduled Castes and Scheduled Tribes to services and posts. Article 338(4) of Indian Constitution prescribes for setting up of the National Commission for Scheduled Castes and Scheduled Tribes (SCs and STs). Article 339 (1) deals with STs only. It reads:

The President may at any time and shall, at the expiration of ten years from the commencement of this Constitution by order appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States. The order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions as the President may consider necessary or desirable. (2) The executive power of the Union shall extend to the giving of directions to 1 [a State] as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

In addition, Pandit Nehru, as the first Prime Minister of India, wanted the State to abstain from any imposition on adivasi communities. He expected the state to encourage their own local traditions and culture so that develop along the lines of their own genius. He advocated full respect for tribal rights in land and forests. He suggested that the State should work through and not in rivalry with the tribal social and cultural institutions. The results were to be judged by the quality of human character. These ideas were known as Nehru's Tribal Panchsheel. Unfortunately these noble resolutions remained as mere pious declarations confined to paper only. Because, the model of development (the Nehru model) that was being followed, was actually a continuation of colonial model. The resource rich adivasi-region remained colonized. That is why in practice his government did not take any concrete measure to dismantle the legal, political and administrative system of the colonial rulers which displace and destitute the adivasis. The Nehru vision of modern India and the modern temples he was so vociferously constructing were in fact colonizing the tribal regions.

Thus, the Government of India (GOI) followed two pronged policy towards the adivasis and the natural resources used by them for their subsistence. The Forest Policy adopted by GOI and the Forest Acts passed by the state were meant to increase governmental control over land and forests in the tribal regions. The adivasi were not consulted in the formulation of forest policy and in drafting these acts.

At the same time, the governments never got tired of expressing concern over the worsening plight of the adivasis. The GOI used the strategy of setting up commission after commission to study the difficulties faced by the indigenous people and give suggestion to bring the indigenous people in the mainstream of national life. However, the recommendations of these commissions were not taken seriously. Like the erstwhile colonial rulers, the GOI has de-possessed the adivasis of their homes hearth and of their ownership of forest, hydraulic and mineral resources. The successive changes in the forest policy of GOI and its so called development projects have increasingly dispossessed the adivasis of their natural habitat. This has violated basic human rights of the STs They have been reduced to the state of servitude. To maintain its pro-advansi image in international arena the GOI has ratified five of the six covenants (ICCPR, ICESCR, CEDAW, ICCRC, and CERD) and conventions that constitute the legally-binding international human rights treaties. However, At the implementation level the required political will is missing and these covenants have remained confined to paper.

The first two decades of developments after Independence were the decades spent in building infrastructure. 1970s witnessed increased state involvement in forest and tribal regions. According to Mari Marcel Thekaekara ,over 10 million adivasis have been displaced to make way for development projects such as dams, mining, industries, roads, protected areas, etc. Though most of the dams (over 3,000) are located in adivasi areas, only 19.9% (1980-81) of adivasi landholdings are irrigated, compared to 45.9% of holdings of the general population. India produces as many as 52 principal minerals. Of these, 45 major minerals (coal, iron ore, magnetite, manganese, bauxite, graphite, limestone, dolomite, uranium, etc) are found in adivasi areas, contributing around 56% of the national total mineral earnings in terms of value. Of the 4,175 working mines reported by the Indian Bureau of Mines in 1991-92, approximately 3,500 can be assumed to be in adivasi areas. These communities once again started fighting for their due place in Indian polity.

This increased state involvement resulted in en-mass non-tribal migration to tribal regions especially in central India. Non-tribals occupied tribal land, or even lobbied governments to classify them as tribal to allow them to compete with the formerly established tribes. This aggravated adivasis' displacement. Even the demographic pattern of many tribal regions changed. The regions that a few years ago were the exclusive domain of tribes had an increasingly mixed population of tribals and non-tribals. This renewed pauperization, and proletarianization gave momentum to the human rights discourse.

From the mid-'80s there has been a consistent effort to define and articulate human rights of dalit and adivasi and other marginalized communities. The Narmada Bachao Andolan (Save Narmada Movement), the Fish-workers Struggle and the Dalit Human Rights campaigns brought the issue of people's rights and rights of the marginalized communities into the mainstream political discourse of India. The people's right groups began to draw from the fundamental rights and directive principles of the Indian Constitution to pressurize and persuade the State. The judiciary also cooperated and through its judgments expanded the scope of fundamental rights to incorporate economic and social rights as well. Progressive and creative judicial intervention expanded the scope of Article 21 of the Indian Constitution which guarantees the Right to Life. 80s also saw rise of Reaganism and Thatcherism. The dismantling of Soviet Union was also a set back to the economic, social and cultural rights. It gave momentum to globalization and liberalization all over the world.

Adivasis' Rights in the Era of Globalization and Liberalization

90s is conspicuous for paradoxical developments in the realm of adivasi rights. At the international sphere various Human Rights forums were under the aegis UN were engaged in serious exercise of drafting a charter of Rights of the Indigenous People. The Draft was debated for sixteen years and finally adopted in 2006. On the other hand, the IMF and the World Bank were overtly and covertly compelling the Third World countries to implement structural adjustment

programmers. Under pressure from these agencies, the markets and natural resources of the Third World countries are being doled out to the Multinational National Corporations (MNCs). Opening of the forest and mineral areas for the MNCs implied en masse displacement and destitution of adivasis. 90s has also witnessed increase in awareness and articulation among adivasis about their rights and also increase in adivasis' struggle for their rightful place in the society. This decade has also witnessed renewed growth of fundamentalist forces. In India the growth of these forces has virtually converted adivasi- regions into battle grounds for supremacy between various religious and ethnic groups. Due to these multifarious pressures and conflicts today adivasis' very right to life is endangered.

Namit Mutreja, National Expert, UNIDO-CDP, in November 08 investigated each human right from the Universal Declaration of human rights (UDHR) angle to prepare The Country Risk Assessment (CRA) on India. According to him the thirteen basic human rights given in the UDHR are generally beyond the reach of Scheduled Castes (Dalits), Scheduled Tribes (Adivasis), women, people with HIV/AIDS, and homosexuals. He puts these human rights in high-risk category. Right to Family Life (art. 16), Right to Freedom of Opinion, Expression, Thought, Conscience and Religion (art. 18 and 19), Right to Take Part in Government (art. 21), Right to Intellectual Property (art. 26) These rights are frequently violated by the police, security forces, and the military, in the name of tackling insurgency, terrorism. The Indian police and security forces are often reported to be involved in arbitrary killings, disappearances, torture as well as arbitrary arrest and detention. This Country Risk Assessment, however, does not consider violation of the charter of human rights of indigenous people, and violation of economic social and cultural rights of indigenous people. It also does not record the violation of human rights of adivasis in India due to new economic policies, industry-driven genocide, corporate-sponsored, state-executed violence upon the people of India. The incidents in Orissa and other states not only violate the basic human and democratic rights of adivasis as citizens of the country, but

also the constitutional protection provided to tribals in Schedule V and VI.

The Amnesty International also in its report 2008, Human rights in Republic of India wrote about violation of economic, social, and cultural rights of adivasis. The report acknowledged that about 300 million people more than a quarter of the population remained in poverty. Resource-rich areas, which, incidentally are also adivasi habitations, were allotted to extractive and other industries. In the process the existing constitutional provisions were ignored. Affected communities were generally excluded from decision-making. Crucial information is not disclosed by the authorities despite legislation on the right to information. People especially the adivasis have been resisting their displacement. The state has always used police force to terrorise the protesters. Many precious lives have been lost in police firing in different adivasi regions in 2008. Activists campaigning for land rights or environmental issues relating to marginalized communities faced abuses. On 24 May 2007, Amnesty International commenting on police killing of seven innocent adivasis on 31st March, Bastar-Dantewada area pointed out that the Right to Life, Liberty and Security of Person (art. 3), of UDHR, Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), and Article 21 of the Indian Constitution were violated by Chhattisgarh government.

The CRA asserts that Right to Freedom from Forced Labour and Servitude (art. 4) is violated in India. Forced and bonded labour is extremely widespread in India, and according to human rights groups, 40 million bonded labourers exist in the country; 15 million of whom are children (1999). Debt bondage is largely confined to those outside of the traditional Hindu caste system, such as Dalits and Adivasis, and people from the lower castes. But the report ignores the fact that the structural adjustment programmes have increased the servitude of dalits and adivasis. It has also strengthened the hold of communal and fundamentalist vested interests among dalits and adivasis. These fundamentalist forces are making dalits and adivasis to kill, loot and burn the fellow dalits and adivasis in the name of religion. These

people were worst victims of communal carnages organized by fundamentalist forces. The most recent example is of Orissa where 50,000 adivasi believing in Christianity were forced to flee to forest. In Chhattisgarh the state government is making adivasis kill each other in the name of Salwa Judum. Over 300,000 tribals have been displaced. The Chhattisgarh police, other security forces, and the Salwa Judum are accused of extra-judicial killings, rapes, extortion, torture and theft. The plight of adivasis in the rest of the country is not different from that of Chhattisgarh. Since Independence, more than 25 million hectares of land has been acquired for projects and about 60 million people have been displaced in the name of 'development.'. Adivasis and the rural landless are the worst affected victims of this development. About a third of this land, some seven million hectares, is forest land that has traditionally been occupied by Adivasis.

In this Era of Globalization and Liberalization both the environmental pollution and emphasis on environmental conservation has increased. In its over-enthusiasm to ensure environmental conservation the Supreme Court of India in the T N Godavarman vs Union of India had effectively taken over the day-to-day governance of Indian forests leading to negative social, ecological and administrative effects. On December 12, 1996, the court suspended tree felling across the entire country. Henceforth, the Forest Conservation Act (FCA) applied to all forests regardless of their legal status or ownership. Subsequently several hundred orders have been issued, many with far-reaching implications. Encouraged by the Supreme Court's attention to the matter, the Ministry of Environment and Forest (MoEF) unilaterally issued a directive on May 3, 2002 to all states requiring that they summarily evict all illegal (post-1980) encroachers on forest land, and to complete the process by September 30, 2002, i.e. five months. The May 2002 MoEF circular led to a series of ruthless and often substantively unfair evictions in various parts of the country. Between May 2002 and 2004, eviction operations were carried out in 1.52 lakh hectares of the forest land. This judiciary and executive nexus put the adivasis in innumerable difficulties. There

was widespread discontent. Under pressure the Union Ministry of Tribal Affairs, got the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 passed. It received assent of the President on December 29, 2006 and came into force only on December 31, 2007. The draft Rules of the Act were finalised and published on January 1, 2008.

The Act assures some benefits to the Adivasis and the other forest dwelling communities. The Act clearly states that to ensure their rights over the forest lands, people belonging to Scheduled Tribes must prove that they were living on the same forest land before December 13, 2005, and in case of forest dwellers other than STs, they have to prove that they were living in the same forest areas since before three generations (one generation means 25 years). The Forest Act excludes the traditional rights of hunting or trapping or extracting a part of the body of any species of wild animals. The gram sabha, as per the Act, determines the extent of the forest land occupied by any individual or the community or by the both. If any person fails to find justice in the decision given by it, as per the provision of the Act, that person has the right to appeal to the sub-divisional level committee within 60 days of the decision of the gram sabha. In case, if the same individual again fails to ensure justice for him at this level, the aggrieved person may move to the district level committee within the next sixty days.

Corporate-Sponsored, State-Executed Violation of Human Rights

Globalization and liberalization has also increased corporate-sponsored, state-executed violence. A few instances of such violation are given below.

Tata Steel Company had forcibly acquired tribal land of Gobarghati, Nuagaon & Chandia villages of Jajpur district of Kalinga Nagar. The rate of compensation for the land forcibly acquired had already been fixed by the company unilaterally. The displaced people were not satisfied with the compensation. The government instead of trying to get a just package for the oustees sided with the company.

On 2nd January 2006, it gave police protection (fifteen platoon of police) to Tata Steel Company to level the land forcibly acquired by it. To instill fear among adivasis bullets were incessantly fired at the mob who retaliated with stones and in the process one police personnel died. The Company government combine had put land mines at the boundary of the land acquired by the company. The number of persons blown up by these land mines is no known. The strategy was to kill and terrorize the resisting people, later on announce some compensation and order an inquiry. It is pertinent to add that the state government and district administration in its enthusiasm to help Tatas violated the national Rehabilitation Policy and the Supreme Court's guidelines that first rehabilitation of the displaced should be completed, then displacement should be carried out, and only after that, the work on the project may commence. The Tatas were unfazed by violence and killing Kalinga Nagar. Tatas have also got land in Tontoposi in Jharkhand against the wishes of Adivasis and Moolvasis, who are resisting displacement. The very next day this incident the MD of Tata Steel, Jamshedpur, went to Ranchi to meet the Chief Minister of Jharkhand. Like the Orissa Government the Jharkhand Government too is insensitive to adivasi human rights. It had signed 43 MOUs with industrialists offering them 40,000 acres of land without a dialogue with the effected people. The Jharkhand government since its inception has been opening fire on unarmed people. In February 2001, within three months of coming to power, the government opened fire on people peacefully demonstrating against the Koel-Karo dam in Tapkara. Eight persons were killed and scores wounded.

Soon after the incident Jharkhand Mines Area Coordination Committee (J.M.A.C.C.) and Jharkhand's Organisation for Human Rights (J.O.H.A.R.) dispatched a Fact Finding Team (FFT) to Kalinga Nagar. The finding of the FFT are:

The government has been prime law-breaker from the onset of the establishing of Kalinga Nagar.

The use of landmine explosives to kill Adivasis implicates the

government, the police and the Tata Co. in a very serious legal and ethical issue.

Under the Indian Explosive Act the police or the district administration are not authorized to possess dynamite sticks or detonators.

Among the three players that day it was only the Tata Company who was licensed to possess dynamite and detonators.

Therefore how did these explosives get into the hand of the District Collector DM or the SSP who were the highest officers present and who were conducting the whole affair?

On the land-rights question the Adivasis were demanding a price to be fixed considering the present market rate and the cost that the Central government had paid for this land in 1990 i.e. 350,000 per acre. The government showed utter disregard for a democratic process and unilaterally broke the negotiations.

The killing and chopping off of the genitals and breast of six arrested persons makes the government a cold blooded murderer and a racist, sexual pervert of the worst kind.

The Tata Company's 'officials' might not be present at the sight, their contractors, equipment and moreover their influence was there. The government was acting on their behalf and broke the law for them: therefore, could not escape the responsibility for this massacre.

The Company's silence on the killings speaks volumes about its sincerity to 'Corporate Social Responsibility'.

The Orissa government did not learn any lesson from Kalinga Nagar killing of adivasis. Its mission of patronizing corporate sector is going on unabated. On 5 October 2004, an agreement had been signed between the Orissa Mining Corporation Limited, a Government of Orissa undertaking and M/S Vedanta to launch a joint venture company (JVC) as a private limited company. This agreement is in clear violation of Forest Conservation Act, provisions of the Orissa Scheduled Areas Transfer of Immovable Property (By ST Regulation) Act, 1956 and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the guidelines made by the Ministry of Environment and Forest (MOEF) of 2003. A

writ petition is lodged by a group of social activists in the Supreme Court. On the basis of this writ the apex Court appointed a Central Empowered Committee (CEC) to look into the matter.

The CEC recommended that the Court may consider revoking the environmental clearance dated 22-09-04 granted by MOEF for setting of alumina refinery plant by Vedanta. The Supreme Court, however, ignored these recommendations and gave its judgement in favour of Vedanta. Vedanta agreement has at last been cancelled. Besides Tatas, Vedanta, the Orissa Government is committed to evict farmers to make way for Korean major POSCO's steel plant-cum-port near Paradip in Jagatsinghpur. The GOI has approved POSCO project with some conditionalities. Thus it is a vicious circle. All the three branches of government, and the administration seems to have ganged up against the adivasis and in the process violating its own laws, rules, guidelines, judgements. The people almost in all parts of the country are resisting their eviction in favour of the MNCs. However, the governments both at the central level and at the state level are unfazed.

Justice S.N.Bhargava(Retd.) Former Chief Justice Sikkim High Court in the preface of Kashipur, An Enquiry into Mining & Human Rights Violations in Kashipur, Orissa wrote that the rights for which the people were fighting for were the rights enshrined in the Constitution as well as the rights reinforced and developed by the Supreme Court. For instance in M.C. Mehta vs. Kamal Nath in 1997 the Supreme Court elaborated and developed the doctrine of public Trust and the duty of the state to preserve water bodies for the unimpeded use of the general public. In Vellore Citizens Welfare Forum vs. Union of India 1996 the court emphasized the notion of 'Precautionary Principle' and stated that State Government and the statutory authorities must anticipate, prevent and attack the cause of environmental degradation. He bemoaned that in Kashipur neither the State of Orissa nor the Pollution Control Board have done their duty to protect the rich water resources and biodiversity. The eight member multidisciplinary panel of Indian People's Tribunal headed by Justice

Bhargava found that the granting of a mining lease to UAIL, a non-tribal entity, by the State Government of Orissa, was in flagrant violation of Constitutional mandates that have been upheld by the Supreme Court in *Samtha v. State of Andhra*. It has also illegally overridden the Panchayats Extension to Scheduled Areas Act (PESA) 1996, and Orissa Scheduled Areas Transfer of Immovable Property Act, 1956. All these Constitutional and legal provisions protect the Adivasi community's right to land and other natural resources. The Tribunal noted several instances of violations of law. One of them was the legal status of mining lease was not clear to the penal. The Penal was convinced that it would have adverse environmental and health effects. Because the bauxite-mining project would contaminate water sources and agricultural land by toxic wastes. Grasslands and forests land will be destroyed, and pollution including the release of cancerous gases that will create a health hazard for those living in proximity of the alumina refinery. Further the location of the mine in the Eastern Ghat would cause irreversible loss of plant genetic materials and biodiversity of this bio-sphere.

Another example of our government commitment to protect MNCs' interest at the cost of adivasis is the New Mineral Policy approved by the cabinet on 13th March 2008. The proclaimed aim of this new Mineral Policy is to ease investments by foreign and domestic companies in the country's mining sector. It is hoped that the implementation of National Mineral Policy (NMP) 2008 would attract foreign direct investment of \$250 million per annum in the mining sector by the end of five years. The NMP has serious consequences for issues relating to displacement, deforestation, environmental degradation, water scarcity, etc. Dr. Ramchandra Singhdev, ex-finance minister and MLA from Chhattisgarh, commenting on the Policy says: "In Adivasi area, the government, particularly District administration is acquiring land for mining, undermining the role of the Panchayat in land acquisition process."

With globalization and liberalization the forest and mineral belts of the country have been opened for the national and international industrial houses. The national and the respective state governments

have mortgaged the mineral belts of their respective states to these industrial houses at throw away prices of course for a premium . The adivasis are resisting the loot of this valuable natural resources. The states are using draconian laws against the adivasis and arresting and killing them in fake encounters.

Violence in the adivasi regions have caused havoc to adivasi communities . Vast tracks of adivasi regions are termed as red corridor. In the north-east various groups are challenging the sovereignty of Indian state over their respective regions and using terrorist methods to assert themselves. The Indian Army and Para- military forces are deployed with special powers under anti-people acts like Armed forces special powers act. There are reports of innocent people being victims of highhandedness of security forces and of the groups believing in violent means to attain their ends.

Paula Banerjee in her article, Women and borders in militarised northeast India explains how the right to life of north eastern women is being repeatedly violated in the name of curbing insurgency. In 1958, the Armed Forces Special Powers Act (AFSPA) was passed specifically for this region. The region's history under the Armed Forces Special Powers Act reflects how women have suffered under the two patriarchies of rebel and the armed forces deployed by the state. At that time it was said that the Act was to be operational for six months only. But it is in force till today. The AFSPA gives any commissioned member of the armed forces the right to kill anyone suspected of being a terrorist. After the Act's passage, state security personnel flooded into the region while migrants responded to the demand for labour to build roads and military infrastructure. This increased the number of males and exacerbated the already uneven gender ratio: the 2001 census reported 978 women per 1,000 men in Manipur, 975 in Meghalaya, 950 in Tripura, 938 in Mizoram, 932 in Assam, 909 in Nagaland and 901 in Arunachal Pradesh.

This coincided with increased violence against women who were marginalised from public spaces. The region's history under the Armed Forces Special Powers Act reflects how women have suffered under

the two patriarchies of rebel and the armed forces deployed by the state. The state-sanctioned and inter-communal conflict further intensified their marginalisation. Increased migration has become an occasion for men to reconfirm their control over resources. Civil liberties and women's organizations hold the legislation responsible for the plight of Northeastern women, who have been subjected to decades of human rights abuses. Human rights abuses against women became endemic: rape, torture, trafficking and the sex trade have all increased in recent years. Newspapers report that 'the northeast has become a supply zone for trafficking women and children not only in the flesh trade, but for forced labour, child labour, organ transplantation, camel jockeys and others.' Paula Banerjee confirms that the women have become victims of violence of both the state and the militant organizations. For example, The Khasi Student Union (KSU) and the Naga Student Federation (NSF) have issued decrees prohibiting outsiders from marrying their women. They allege that the migrants marry women of their respective communities for the property these women own. Thus as Banerjee opines that the issues of migration/infiltration are not just used by the government to justify AFSPA; they have become tools to justify empowering men at the expense of already marginalised women.

Trafficking for the sex trade and for labour is also on the rise. India is one of seven Asian nations on the US watch list for human trafficking, and a transit-country for prostitutes from Bangladesh, Myanmar and Nepal. Girls are practically imprisoned in the region's

brothels while children as young as nine are auctioned off for up to 60,000 rupees to buyers from as far as away as the Persian Gulf. AIDS adds to their misery. 'Women and children who are trafficked are at high risk for infection with HIV, which is a

death sentence for the victims.' About ten years back, from Manipur Manorama's case came into limelight. Because this provoked Irome Sharmila to go on hunger strike. For last more than ten years she is being forced fed by the government. However sexual violence against women does not seem to have abated. This provoked the

women activists of Manipur to de-robe themselves and protest before the security forces and imploring them to criminally assault them. This extreme step by the Manipur women demonstrated their helplessness before the strong arm of the government.

The adivasi women of other parts of the country are also victims sexual violence. In almost all adivasi- inhabited regions has quite a sizable population of out side people. They have gone their as migrant labourers, traders, contractors etc. They look down upon the tribal norms of life and leave no opportunity to sexually abuse the tribal women. Some take advantage of their economic plight and push them in sex trade. Normally complaints of sexual violence against tribal women do not get registered and do not get covered in the media. Because the police and the security forces one of the main agents of sexual violence in the disturbed regions implicate the tribals in fake charges and arrest them. The women of the house and neighbourhood are criminally assaulted and told to keep their mouths shut otherwise their arrested kiths and kins would be killed in fake encounters. The civil society is also insensitive to the problems faced by poor and adivasi women.

In Chhattisgarh, Punya Prasun Bajpai has given a vivid account of states brutalities against adivasi men and women. In one of his award winning articles he writes, " It is a story of police brutality where incidents of tribal women being raped do not stir the psyche.... the violence thrust upon this area as what police calls encounter has taken the lives of two thousand tribal people in one year. Fifty tribal people were killed only in Chhattisgarh last year by security forces. Twenty-one tribal women suffered the trauma of gang rape. Six among them were killed after rape.... two of then was(sic) pregnant." After this observation he gives an account of brutality of security forces See BOX ONE below

Just one year back. Surgooja district police of Chhattisgarh arrested a tribal woman Ledha as supposed to be Seema. The police accused her as the main culprit behind March 2006 bomb blast in which three Central Security Force men lost their lives. Seema was

pregnant when she was picked up by the cops in April 2006. Seema's husband Ramesh Nageshia had a link with Maoists. The court sentenced Seema for one and a half year of imprisonment. Seema gave birth to a very weak baby in the jail. Later, court acquitted Seema on the basis of weak circumstances and facts. Now Seema as Ledha was free from the slur of being a Naxalite. But the police started pressuring Ledha to convince her husband to surrender. They allured her by promising job and money. Ledha persuaded her husband for the sake of their son to surrender so that they could enjoy a normal life. Ultimately Ramesh got ready for it. It was decided that Ramesh would come to surrender at the house of the secretary Civildah Gram Panchayat, on March 28, 2006.

The superintendent of police of Surgooja C.R.P. Kalauri reached Civildah with Ledha. Also, an additional force from Kusumi came with him. As soon as the police reached there, they started thrashing Ramesh who was waiting there. He was beaten so brutally that his body turned blue and then suddenly the Assistant Platoon Commander of the Armed Forces put the pistol on his temple and shot him. Ramesh died on the spot. Ledha was so shocked that she could not even scream out her grief. She was just shivering. Then she was brought to Shankargarh police station and was threatened not to tell anything about the incident otherwise she would face the same fate. Ledha kept quiet. But after three months in Dushera the police again picked up Ledha with her old father and brought them to the police station, where she was stripped off in the presence of S.P. Kallauri and raped in front of her father. For the next ten days she was kept in the lock up and was repeatedly put to sexual assaults by the cops. During this her old father was kept in another chamber. But her weak son, who was unable to speak, was with her and witnessed every suffering her mother went through. Despite all these Ledha did not die. She is still alive and has reached the Chhattigarh High Court with her case. On January 2007, Vilaspur High Court filed the case. In the first hearing the public prosecutor argued that Ledha was lying.

Ledha, her parents and the villagers are waiting for the second

hearing with a hope in their heart that the court may decide in their favor, so that no police men could kill poor villagers in the name of naxalites or rape their women. They desperately wish a positive judgment because this is the first case which ultimately has reached the courtroom.

This is just one instance. Bajpayee writes There are six cases which came into focus as they got registered in the police station. In which women were killed after being gang raped. This story by P.P.Bajpayee also shows how the contractor and police mafia operates in adivasi region and the locals are mere pawn in their hands. He also cites few other cases of corruption. For details See Box 2

....these women are just pawns at the hands of tenduleaves contractors who also covertly serve as police informers throughout the area. As these contractors are in direct contact with the adivasi women tendu leave pickers, they provide 'reliable' channel of information to the security personnel about the naxal operations. Having information about the naxal activities in the region becomes an achievement for the security personnel ..It becomes a means of proving their abilities to their seniors, which in turn opens for them the doors of promotions. Hence tenduleaves contractors play a very important role here. Not only they provide six months employment to the tribals, but also they aptly perform their part as police informers. They often misuse their credentials as reliable informers, especially when the tribal labourers ask for more money for collecting tenduleaves. They tell the police secretly that some of these tribal women are connected with naxalites. Though it happens to be a complete fabrication, it culminates into a cruel reality of these poor souls being brutalised and slaughtered. After this, the contractor regains his autonomy over these down trodden people. Tenduleaves symbolize tribal exploitation and profiteering of contractor-increase as the undivided Madhya Pradesh government had decided to nationalise or to make cooperative enterprise for tenduleaves. Government official misappropriate lakhs of rupees in the district in lieu of bonus, which never reaches to the tribals. Apart from that these simple villagers suffer the pangs of low

wages, too. In Maharashtra, a pack of seventy tenduleaves offer a wage of one rupee fifty paise, but in Chhattisgarh it is worth forty five paise merely. In some villages the contractor gives even lesser amount, down to twenty five paise per pack. If any one dares to raise his or her voice, he or she gets entangled in a false link with the naxals fabricated by the contractor and thus states a horrendous series of murder, loot and rapes. What kind of terror is struck? See the following account given by Bajpayee. This would make the reader feel the brutality of terror the adivasi women is facing. On July 21, houses of two farmers were burnt down in Pondum village; Pallewala village was looted and vandalized. Ten persons including three tribal women were arrested. July 22, police cast a hellish spell on Munder village. Gallic were slaughtered or taken away by policemen; ten houses were put to flames. The villagers left this village and took shelter in the neighbouring village phoolgutta. July 25, Phoolgutta became the target. Fifty tribals were taken to the police station. July 29, they hit Karrebodhali village and people were thrashed down out there. Fifteen tribals were arrested. Mazzimendari village became prey to police men's savage whims in the first week of August. Pigsty and poultry farms were burnt off. About dozens villagers were taken to the police station and tortured for many days. In the same week many tribals of Karremarka village (including women) were arrested and misbehaved. August 11, police opened fire at Kotrapal village. Three farmers, including Atma Bodi and Rudhram were killed. Police ascertained them as naxalites and declared the reason of their death as encounter. August 12, two farmers of katloor village were trapped at Kutaroo market. Later on their cases were also filed up as encounters. August 15, houses of five farmers at Jangla village were razed down by lire by tenduleaf contractor a complaint was made against the contractor, but ironically, he was sheltered in the police station only. It means no FIR was done. What got registered there was a fake story that villagers of Jangla had a link with the naxalites. In the last week of August, Dolul, Akwa, Jojer villages were hit. A farmer, Sukku of Ireel village, was brutally killed. His head was found hanging from a tree next day.

The tribal people were so frightened that they did not go to their fields for many days. There was no FIR of this incident. September 25, in Mankel village of Beejapur Tahseel dozens of tribal-farmers houses were put to flames. Five tribal women and two children were picked up by the police. There is no information about them. In the last week of September four dead bodies were found in the Indrawati River. The police had no answer as to who killed them and when their bodies were thrown into the River. According to the villagers these men were among those tribals who were taken by the police on the day of haat-bazar. October 5, two women of Mukkavalli village. Vedinje Naggi and Vedinje mali were shot dead by the police. In the first week of October in Rajim village of Jegurgonda, five women were gangraped. A farmer, picked up with them, died after two days. But no case was registered. Amid these incidents, a case of children being shot by the police did get registered in three police stations but this was a matter directly linked with those police men who were posted to confront the naxals. hence the station officers took no time to close it. September 2, 2006, 12 year old kadati Kummal of Adiyal village was shot dead by Nagga police. October 3, 2006, 14 year old Raju was killed at Iowa by the Police. October 5, 2006, even a one and half year old kid lost life to police men's gunshot. October 10, 2006, 14 year old boy Barba Sonu was killed by police in Paraal village, there are innumerable incidents which did reach the police stations, but with no positive result.

It is pertinent to add that during British rule the colonial industrialists used to make similar false complain about the local communities and the administration instantly declared these communities criminal tribes.

Corruption is rampant in adivasi regions In Chhattisgarh, for example, many adivasi killed in fake encounters were also registered in the Rojgaar Guarantee Yojna. Their names are still there after these encounters and the money was reaching their homes as per the register of the Rojgaar Guarantee Yojna. More than two hundred and fifty tribal people are missing from eight villages where. Names of 128 villagers among them were still enlisted in the different government

welfare projects. The allotted money was reaching their home on paper, surprisingly duly signed by them.

Box Three shows They are the country's poorest tribals. And what a paradox! Their area boasts of the costliest security arrangements. The daily expenditure is round about seven to nine crores.

Environmental Degradation Endangers the Life and Livelihood of Adivasis

In Chattisgarh for example, the ESSAR Pipeline project (to send iron-powder to Japan from Bailadila through water) will cost dear to the farmers who do not have enough water to irrigate their agricultural land. Fields and crops are being ruined due to paucity of water. Farmers are committing suicide or are leaving behind their natural habitat and are migrating to cities to work as daily labourers. If the government allows all the proposed projects in this area, then the farmers would lose 60% agricultural land. It means that without declaring special economic zone, (SEZ) fifty thousand acres of land would be controlled by multinational companies. About a lakh of tribal farmers will lose their fields and would depend on industries for their livelihood. The governments of all the nine states which are said to be naxal infested, where majority of tribals are below poverty line and are undeveloped, are not concerned about tribal poverty, unemployment and displacement. They are concerned about building basic infrastructure in these states so that the multinational companies could be lured. For luring the MNCs they want beautiful roads, lighted areas.

Displaced Adivasis are not Rehabilitated

Development model adopted by the country is displacing the adivasi. since 1947 the modern temples have been constructed in forest and tribal regions displacing the local people. There has not been any rehabilitation policy till the initiation of the narmada bachao andolan. this movement has succeeded in getting the demand for proper rehabilitation of the oustees socially, politically and legally accepted. In practice the state governments and the institutions created to

implement these projects drag their feet in formulating and implementing need-based rehabilitation programmes. Corruption plagues the whole system responsible to implement rehabilitation programmes. On the top of this traditional brahminical patriarchal norms are reflected in the attitudes of rehabilitation policy makers and implementers when it comes to providing relief and rehabilitation to women oustees. At times the need to include the displaced women as claimants of relief and rehabilitation is not felt. For example if a family has five sons in the relief measures residential provisions are sanctioned for all the five sons. On the contrary if the family has five daughters no provision is made for them. The father got sanctioned just one residential plot. The adverse impact of these so-called development projects on the displaced women and children does not seem to have been studied and evaluated. The National Commission for Women, the National Commission for Human Rights, the Commission for SCs and STs have not thought it appropriate to study the impact of 'development' on SC and ST women and children who get displaced by it.

In short, the tribal communities in general and the tribal women in particular, lose their right to life due to environmental disruption of their localities. The large scale deforestation, mining, and industrialization of these regions has polluted the soil, water and air of these regions adversely affecting the health of all the people residing there. Soil pollution has made agricultural land infertile. Thus, depriving the adivasis of their food resource. This type of 'development' does not recognize the special needs of the differently-abled. The increasing poverty, malnutrition, and environmental pollution has increased the chances of getting disabled. This aspect of development does not seem to have been studied and assessed at the national level: There is bias against adivasis in the society, and there is prejudice against persons with disability. If an adivasi with no social support becomes disabled or has a disabled child the plight of that child without any social support could be fathomed. The situation is much worse if the child is a girl child. Because, she suffers from a third bias -of being a girl.

While the State is over-enthusiastic about achieving 'development' goals and fulfilling commitments made to corporate sector, it is equally cool and indifferent about implementing the Forest Rights Act. The council of development in its report on the implementation of this act says that the implementation have been undermined due to apathy and sabotage. The main discrepancies in the implementation of the act are:

In several major states implementation of the act has not yet been initiated.

All the states have largely failed to respect the act's provisions regarding the role of Gram Sabha. They have been constituted at wrong level and thereby rendered dysfunctional and ineffective. Often the Gram Sabhas have been bypassed and officials, forest departments', and the Joint Forest Management (JFM) committees have been empowered, which contrary to the letters and spirit of the law. The forest department uses all kinds of bureaucratic and red tapist tactics to hinder the rights recognition process. For example the claimants are asked to produce fine receipts or primary offence report (por) of pre 1980 period, from prior to the act's cut off date of 2005). On the top of it the claimants have to be on the forest department's encroacher lists. The state and central tribal welfare departments are also manned by forest department personnel and they impose forest department's perspective in the implementation of the forest rights act. As a result tribal and forest dwellers are evicted. Such evictions are in total violation of forest rights act. But they are going on. In madhya Pradesh, contrary to forest rights act a new law has been enacted.

As if these difficulties are not enough to make adivasi women's existence difficult. The fundamentalist forces have started penetrating in the adivasi belt and dividing the adivasi on communal grounds. A few years back in Orissa riots were engineered by fundamentalist forces between Hindus and Christians. Orissa

Conclusion:-To sum up the Adivasi people are resisting their displacement and destitution and have attained some success too. The

examples are many. The Koel-Karo dam project, Neterhat Field Firing Range Project have shown that the Adivasi people can successfully resist damaging projects. The Pachuara Coal Mining Project in Pakur district where the Santal Adivasi People are refusing to give their land for mining by non-tribal mining company. Now of late, the Adivasi / Moolvasi people in East & West Singhbhum have decided not to give even an inch of their land to mining companies. In fact they have gone to the extent of declaring 'Janata Curfew' and do not allow any outsider from entering the area. Secondly, they have also decided that if and when they give their land for any industrial purpose, it will be on their own terms and conditions. One such condition is that the value of their land would be assessed as per the end-use (industrial use), namely the market value of whatever minerals that will be excavated, and 50% of that value should be taken as their equity share in the industry. A second condition would be the nature of rehabilitation / compensation would be decided by the adivasis. At the same time all the three branches of government both at the central and at the state level have joined hands to dole out the precious natural resources of the country to MNCs. These popularly elected governments do not seem to be committed to their voters or to the provisions of the Constitution, which they are oath bound to uphold. The net result is there is all round violence in the forest and tribal areas causing severe erosion of tribal human rights. ■

LOOK EAST POLICY & TRAFFICKING OF WOMEN IN NORTH EAST INDIA

Dr. Ajailiu Niumai

Introduction

This paper attempts to examine Look East Policy and the widespread trafficking of women in North East India. India's Look East Policy was launched in 1992, after the end of the cold war, following the collapse of the former Soviet Union (USSR). With economic reforms and liberalization, it was a strategic decision taken by India in the foreign policy. The policy was given an initial thrust with the former Prime Minister Late Narasimha Rao's visit to China, Japan, South Korea, Vietnam and Singapore in which India emerged as an important dialogue partner with Association of South East Asian Nations (ASEAN). The ASEAN underwent a slight change with the inclusion of India and China as special invitees in the Joint India-ASEAN and joint China-ASEAN summit in 2001 (<http://www.aseansec.org>). This was keeping in mind the fact that the Asia-Pacific region is witnessing the highest economic growth rates in the world.

The North East states viz; Assam, Manipur, Nagaland, Tripura, Sikkim, Meghalaya, Mizoram and Arunachal Pradesh have landmass of 2,62,500 sq. Km. It has a population of 39.04 million, constituting 3.8% of India's total population (2001 Census). The region is rich in biodiversity, natural and mineral resources. The Look East Policy focuses on promising opportunities and challenges for the future of

North East and portrays the region as a 'Business-Hub' of South East Asia because of its strategic geographical location in the international border with Bhutan, China, Myanmar and Bangladesh. The North-East is a part of the Indo-Burma Biodiversity-Hot-Spot accompanied by innumerable species of flora and fauna. The contributions of the region also include tea and rice. The region would emerge as a producer and exporter in South East Asia if the policy is properly implemented. One of the basic steps towards realizing "North East Vision-2020" under Look East Policy is for India to enter into a free trade agreement with the ASEAN. India upholds this policy by becoming a summit level partner of ASEAN in 2002 and being a member of the East Asia Summit (EAS) in December, 2005.

The "North East Vision-2020" document tries to encompass all the key sectors of the economy and the vast resource potential of the region. The government has also taken an initiative to seek International Cooperative for Development of the North Eastern region. Under this initiative, five core sectors were identified for preparing Vision Documents in order to facilitate Externally Aided projects (EAPs). They include Integrated Road Project, Urban Development Project, Trade and Investment Creation Initiative, Water Resource Development and Integrated Energy Project. The Urban Development Project and the Integrated Road Project have already started with the technical assistance grant from the Asian Development Bank (ADB) of US \$2 million and US \$0.8 million respectively. Consultants have started the work and ADB has indicated a backup loan of US \$400 million and US \$200 million respectively for these projects. While other projects are in the process of discussion with multilateral agencies, an agreement has been signed with ADB for Trade and Investment Creation initiative during 2004-05. This initiative is expected to bring about institutional reform as well as modern project management technology in various sectors (Yojana 2005 :64).

In the context of tourism under the policy, the North East region has limited facilities and services which needs to re-frame the existing state tourism organizational structure. The main reasons that hinder

the tourists to visit the region is the Inner Line Regulation and the Restricted Area Permit which prohibits entry to any outsider without permits. These policies were implemented by the Central Government of India since 1958. Under the Look East Policy, the tourism sector is perceived to enhance social integration between North East India and South East Asia. In fact, the existing Air-link between Guwahati and Bangkok emerged as a result of this Policy. The feminist critique of tourism is highlighted by Cynthia H. Enloe (2000) in her work '*Bananas, Beaches and Bases*', where she equates tourism with terrorism. The above situation surely merits this analogy.

Globalization and Trafficking of Women

Globalization involves an extraordinary commercialization of women at the transnational level. The fast growing flesh trade has been particularly industrialized. The process of flesh trade industrialization generates huge profits wherein uncountable number of women have been transformed into human commodities. The contemporary consumers have access to "exotic", "rare" and very young bodies of girls and children. The flesh trade is expanding and becoming sophisticated which caters to all types of demands with the technological revolution. The rise of the new media has also seen many websites recruiting women for all sorts of jobs disguised under words like 'escort agencies'. Since these cannot be physically pinned down, the perpetrators of such operations are rarely brought to look. They operate under the guise of dating and adult sites. Since 1990 onwards, the liberalization of the Indian economy in the wake of globalization has immensely reduced traditional livelihood means for the marginalized communities especially the tribes. The withdrawing of traditional livelihood skills, illiteracy and the like has facilitated the poor women to enter into the flesh trade.

Trafficking is the third most lucrative illicit business in the world after arms and drugs and a major source of organized crime revenue. The industry generates an estimated \$7 billion to \$12 billion annually and International Labour Organization (ILO) estimates traffickers net

an additional \$32 billion a year once the victims are in the destination country. ILO said the largest number of women trafficked in Asia are from within or from the region. This is further theoretically supplemented by Manuel Castells, in his book '*The Rise of the Network Society*' who focuses on the global criminal economy as an inalienable companion of globalization, which is very true of North East India and South East Asia coming closer under the rubric of globalization. Manuel Castells aims to formulate a systematic theory of the information society which takes account of the fundamental effects of information technology on the contemporary world. The South East Asia and South Asia are home to the largest numbers of internationally trafficked persons, at an estimated 2.25 lakh and 1.5 lakh respectively. Trafficking of women is the recruitment, transportation, transfer and receipt of people for the purpose of exploitation (labour/sexual) by coercion, fraud, deceit, threat, abuse of power or position of vulnerability. It is an internationally organized criminal phenomenon clearly indicating human rights' abuse. Due to persistent inequalities worldwide, women are more vulnerable to this slavery like practice which is a consequence of structured gender inequality in the form of violence (<http://ibnlive.in.com/news/india-tops-in-women-trafficking/21162-2.html>).

Singh, Ram, Shankar (2009) said that trafficking in persons- the illegal and highly profitable recruitment, transport, or sale of human beings for the purpose of exploiting their labour- is a slavery- like practice that must be eliminated. The trafficking of women and children into bonded sweatshop labour, forced marriage, forced prostitution, domestic servitude and other kinds of work is a global phenomenon. Traffickers use coercive tactics including deception, fraud, intimidation, isolation, threat and use of physical force and/or debt bondage to control their victims. Women are typically recruited with promises of good jobs in other countries or provinces and lacking better options at home, agree to migrate. Through agents and brokers who arrange the travel and job placements, women are escorted to their destinations and delivered to the employers.

Since the late 1990s, thousands of people have been displaced in the North East by regular clashes between various militant and tribal groups. The Norwegian Refugee Council (NRC) said up to 200,000 people were displaced in Assam and 15,000 people in Tripura in 2003. Nedan Foundation (NGO) from Haryana conducted 7 months research in Kokrajhar district, a Bodoland Territorial Council of Assam, sponsored by the United Nations Development Programme (UNDP) in 2006. The staff of this NGO visited 25 relief camps of internally displaced persons [IDPs] in Kokrajhar and found nearly 200,000 people living in these camps without proper food. They also discovered that traffickers carry out recruitment drives in the relief camps by making false promises of jobs as domestic helpers in big cities. This study revealed that around 100 young women had gone missing from the camps during the year 2004-2006. Regional analysts fear that such "missing girls" may have been sold into flesh trade. Interviews by Nedan's field teams with 60 teenage flesh trade workers in Dimapur, Nagaland revealed that many girls had been trafficked with false promises of sales jobs in India's metropolises. Most of these girls were from broken and poor families in this ethnic ridden region, (<http://www.irinnews.org>).

Meghalaya has also become a supply zone for trafficking. The reasons include ethnic conflict that forces people to migrate and live in displacement which adds to the prevalent economic impoverishment. The Supreme Court of India banned timber felling in Meghalaya which was a commendable step in attempting to protect the environment but there was no alternatives given by the Government to the rural population whose means of livelihood depends on the timber. Here, the push-pull factor is apt because poverty and unemployment pushes the rural populations to migrate to urban areas in search of jobs which eventually lead their women and children to flesh trade. The displacement of people due to the construction of many Mega dams such as Barak, Tipaimukh, Singda, Maphou, Ithai, Khuga, Mapithel have also led to a huge migration in urban areas and there were a large number of children who were coupled to enter the flesh trade as

the only means for survival. Additionally, proximity to the infamous Golden triangle in Myanmar has facilitated the free flow of narcotics and arms through the region. Also, extremely porous international boundaries add to the existing problems. Sometimes, illegal arms trade was done in name of flesh trade across the borders. A few Burmese girls were caught with many children and women from North East region by promising jobs like airhostess, free education in US/UK, free foods with lodging facilities and the like (<http://www.kanglaonline.com/index.php?template=kshow&kid=1399>).

In the past years, the criminal networks which traffic women and children for financial gain have increasingly controlled the flow of migrants across international borders (<http://www.interpol.int/public/THB/Women/Default.asp>). It is appropriate to connect Jaffrey Sachs (2005) affirmation that under extreme poverty, households cannot meet basic needs for survival and in moderate poverty basic needs are met, but just barely. Poverty compelled the tribal women to enter into flesh trade against their desires, culture and norms. Some of the North East tribal people live in poverty without alternative job opportunities. Hence, they place their hopes on others such as recruiting agents to secure jobs especially for their women that eventually lead to the flesh trade. The question arises whether poverty can be alleviated among the marginalized tribal women using globalization to boost technology?

The women who were forced into flesh trade are especially vulnerable to sexually transmitted infections, HIV and unwanted pregnancies because of lack of quality information and language barriers. The migration experts opines that trafficking of tribal girls is widespread within India but because of the great demand in South East Asian capitals, traffickers are beginning to traffic them outside India in the hope of making a fortune. To a certain extent, the government of India is responsible for trafficking of tribal women. They do not have enough employment opportunities (<http://ipsnews.net/news.asp?idnews=44154>). The Look East Policy coupled with globalization facilitated tribal women from North East to be trafficked to other countries such as Malaysia and Singapore via Guwahati and

Kolkata as "Spices of India" by recruitment agents on the pretext of getting these girls housemaid jobs.

Trafficking of women in the North East exposes imminent negative impact of India's Look East policy on the threshold of regions' emergence into globalization process. The failure of capital formation, production based investment, human resource development and pro-people planning while implementing the globalization process made this region a fertile source for women trafficking. Inevitably, a pertinent question emerged; should North East export flesh trade to the global tourists to import HIV/AIDS, as they have no other profitable commodity to export? Sen Sarkar (2005) confirms that in a globalizing world, trafficking in women and children for economic and sexual exploitation continues and exploiters have little or no respect for the rights of victims of trafficking.

In January 2008, some of the girls from North East were flown to Singapore and Malaysia as housemaids by the job recruiting agents. After eight months, a Zeliangrong Naga tribal girl from Manipur managed to escape from a Kuala Lumpur night club, who ultimately alerted the Indian High Commission in Kuala Lumpur, which then sought the assistance of Malaysian Police to rescue the other girls (http://www.thaindian.com/newaportal/uncategorized/probe-into-trafficking-of-indian-women-into-se-asia_100107000.html). One of the escaped teenage girl revealed that they were lured by Phillip Gangmei, a local agent of Abel and Joe Private Limited, based in Singapore having a strong presence in the North East. These girls were forced to work in the brothels and message parlours that attract well-heeled locals as well as tourists. After being rescued, these five girls were housed at the NGO called David Paseur Christian Home for destitute in Kuala Lumpur.

Subsequently, India's Ministry for Overseas Affairs investigated the dubious recruitment agents and started an enquiry against them. The rescued girls told the authorities that they were lured to Singapore with promises of jobs as maids for six months. But, they were later made to work as bar girls and prostitutes in nightclubs of Singapore

and Malaysia. Manipur and Nagaland police have made some arrests in 2008 in connection with the case of agents luring girls to the neighbouring countries. An Indian High Commission official said NGOs had indicated that there are around 150 women from Manipur, Assam and Nagaland been duped by recruitment agents in the past few years (<http://international.zeenews.com/inner1.asp?aid=202878&sid=hel>). Tribal women trafficked to other South East countries face insurmountable hurdles; because they stand little chance of returning home, let alone make the big money they have promised when they were lured from their village and forced into prostitution. The girls undergo a long tortuous voyage of betrayal, disgrace and physical abuse. India's National Commission for Women, the All India Christian Council and the North East Support Centre have called on the Malaysian High Commission in New Delhi to seek help in checking the trafficking of women.

Unlike drug trafficking where penalties are high, it is an easy walk for human traffickers with the authorities prepared to pocket part of the profits and "close an eye" to trafficking crimes in their midst. The flesh trade is also seen to be shifting from the main capitals of the region to towns and even villages because of the spread of opportunities and transport facilities. Meena Saraswathi Seshu (2008) opines that women who have been trafficked are more vulnerable than men and more likely to be in a situation where they are unable to control and protect themselves from HIV transmission. She argues that as illegal migrants engaged in the illegal trade of trafficking; they are very often subjected to sexual abuse at the hands of authorities, including immigration and police officials, whose systematic involvement in the trafficking is eminent and documented. Women can be violated, controlled and abused by forcible detention, lack of access to restoration and police corruption.

Trafficking of tribal women persists because of the advanced communication technologies, insufficient penalties against traffickers, regional imbalances, economic disparity, low income, limited resources, gender inequality or marginalization, corruption, political instability,

ethnic/indigenous minority, hill tribes, refugees, illegal migrants, low level of education and porous borders between North East India, Bangladesh, Bhutan, Myanmar and China. Sometimes, the women are obliged to pay heavy debts for their passports and visa, and they are threatened with violence. They are also physically abused, controlled, raped and get trapped as illegal immigrants overseas. A question arises as to how do the traffickers operate through employment of travel agencies, entertainment companies and advertisement in newspapers?

It is also observed that women and children were often lured by known local agents. For example, 4 girls from Loktak project area of Churachandpur district in Manipur were trafficked with the promise to provide domestic jobs at Singapore. However, they were rescued by the Nagaland Police at Dimapur on 22nd July 2008 (Sangai Express & Nagaland Post). The trafficker Mr. N.K. Sony Kamei of Majuron Village in Loktak project area was arrested at Bishnupur Police Station although he was bailed out later. Similarly, 22 children from both Chandel and Churachandpur Districts of Maniur were rescued on 13th August 2008 from Life Children Home based at Kanchipuram, Tamil Nadu. They were rescued by Child Line Foundation (NGO) and District Administrator Chennai and handedover to the Chandel authorities in Manipur on 30th August 2008. These children were wrongly declared as orphans and have been carried under the approval of Local Tribe Council in the guise of providing free education. There are high chances of these victis being used as forced labour or removal of organs for commercial purposes (<http://www.kanglaonline.com/index.php?template=kshow&kid=1383>). It is inevitable that, women and children in North India have been living in violent situation.

Impact of Look East Policy Society

The North East was a protected area since India's independence. The Government of India implemented policies such as Restricted Area Permit (Inner line Permit), The Armed Forces (Special Powers) Act (AFSPA), 1958 wherein special powers were conferred upon armed forces in Arunachal Pradesh, Assam, Manipur, Meghalaya,

Mizoram, Nagaland and Tripura. It was later extended to Jammu and Kashmir as the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 in July 1990. However, this Act was revoked in Jammu and Kashmir but continues in the North East especially Manipur. Besides, the Government of India implemented India's Look East Policy as one method of development and expands the trade with South East Asian Nations. The proposed new highways predominantly the Trans-Asian super highways which would pass through the North East Capitals under this Policy have turned into a dubious network for trafficking. Will the communities remain voiceless spectators and breath in the exhaust lethal fumes, dust and smoke that will be emitted by forthcoming trains or loaded trucks to be plying on Trans-Asian super highways through Guwahati, Imphal and Dimapur, with many flyovers and glittering lights?" Should the tribal women continue to work in night-clubs and massage parlours, in order to help their poor families?

The impact of Look East Policy in the context of Manipur in Particular can be analyzed from the perspective of the Free Trade movement (Indo - Myanmar). In the Free Trade movement launched between India and Myanmar, the people of Chandel District specially the border towns have lost their domestic economy. Earlier, inter/ extra village business economy was practiced between the two countries viz; India and Myanmar. As per the local economy, basic commodities like groceries, clothes, and seasonal crops are exchanged by the local people. But after the free trade introduction, such local petty businesses have been paralyzed and affected the village economy.

Some other questions emerge as to how can the government effectively deal with this critical issue of trafficking ? How can government collabourate with the NGOs to develop measures for better protection and prevention of tribal women from being trafficed to the South East Asian countries ? It is imperative for the participation and involvement of the NGOs which derive their actions conventions like the United Nations Convention against Transnational organized Crime, and the additional Protocol to Prevent, Suppress and Punish Trafficking of human beings.

Trafficking and Law

Article 23 in the Fundamental Rights of the Indian Constitution prohibits "traffic in human beings and other similar forms of forced labour". The two laws that address trafficking and prostitution are the Suppression of Immoral Traffic in Women and Girls Act of 1956 (SITA) which was enforced in 1958 and the Immoral Traffic (Prevention) Act of 1986 (ITPA), also known as PITA, an amendment to SITA. SITA is problematic in some ways as the prescribed penalties discriminate on the basis of gender : a prostitute, defined under SITA is always a woman. A person arrested for soliciting under SITA could be imprisoned for up to a year, but a pimp faces only three months. SITA allowed prosecution of persons other than the prostitutes only if the persons involved 'knowingly' or 'unwillingly' made women engage in prostitution. Pimps, brothel owners and procurers could pretend to be ignorant of prostitution and escape punishment. The client is not viewed as an offender and could not be sanctioned under SITA. SITA only addressed street prostitution; prostitution behind closed doors was left alone which is a loophole that actually promoted the establishment of brothels. The law permitted penalization of women found to be engaged in prostitution under certain conditions. For example, Section 7 (1) penalized a woman found engaged in prostitution in or near a public place. Section 8(b) did the same for a woman found engaged in prostitution in or near a public place. Section 8(b) did the same for a woman found seducing or soliciting for purposes of prostitution. Offenses under SITA were bailable, but a woman picked up from the street by the police usually did not have money or the influence to keep her out of custody (<http://www.legalserviceindia.com/articles/tec wo.htm>).

Malavika Kumar mentioned that women are often apprehended from known red-light areas whereas their brothel keepers and pimps are left untouched. In cases of organized prostitution, this results in continual debt bondage for the amount paid by her keepers as a fine or as a bail amount. Kumar argues that India has adopted a tolerant approach to prostitution whereby an individual is free to carry on

prostitution provided it is not an organized and a commercialized vice. India is also a signatory to international conventions such as the Convention on Right of the Child (1989), Convention on Elimination of all forms of Discrimination Against Women (1979), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) and the latest South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002).

India needs a specialized legislation to deal with trafficking even though the existing Indian Penal Code (IPC), 1860, deals with the offences of kidnapping, abduction, buying and selling of minors (Sections 359-373 of IPC). The IPC is narrower in scope to deal with the wide range of activities involved in trafficking which do not neatly fit into "Kidnapping" or "abduction". We see that kidnapping is also done by militant organizations. The only similarity between trafficking groups and the militant organizations is that both are network-centric aided by multiple nodes connected invisibly through cell phones and sophisticated communication tools without a centre. Therefore, we cannot break them since there is no single 'centre' or 'epicentre'. This is elaborated in the book by John Arquilla and David F. Ronfeldt, *'Networks and Netwars'* (2001) published by RAND corporation as a security alert. In order to ensure effective implementation of the existing law there is a need for awareness of all concerned in the criminal justice system, including judicial officers, prosecutors, medical experts and Police. Moreover, there should be partnership with the NGOs to ensure law enforcement, rescue, prevention, counseling, rehabilitation and re-integration.

Recommendations

- o A comprehensive sociological research is needed to sensitize the trafficking issue involving people from diverse segments including victims. The civil society must realize the intensity of this menace by raising ethical questions and also seek media campaign.
- o Advocacy on women and child rights and raising awareness

amongst potential victims, police and clients of prostitution needs to be encouraged. Anonymity of the victim has to be safeguarded particularly in issues like court cases and police appearances to safeguard their life and prevent blackmail.

- o Unconditional protection to victims (no agreement to give verification).
- o Penalties should not be imposed for victims in countries of origin, transit or destination.
- Destination nations must establish mechanisms for legal passage and easy deportation and also take steps to pre-empt deportation by blacklisting certain agencies.
- o National legislations should ensure the right to compensation to victims.
- o Prevention strategies and approaches in countries of origin must be reflected in poverty reduction and social change policies.
- o Governments must strengthen legislations against the perpetrators of trafficking and evolve new laws for transnational activities so that loopholes like visa on arrival and misuse of tourist visas are not abused.

Conclusion

The causes of trafficking lies in poverty, ethnic violence, urban-rural migration, militarization under Arms Forces Special (Powers) Act of 1958, and globalization. Many women and children were pushed to the street and workplaces and trafficked outside the region to other parts of India and South East Asian countries. Children from this region are also notably trafficked through use of adoption procedures such as the case in Tamil Nadu. It is extremely important to stop them from leaving their villages by addressing issues of poverty, human rights and legal protection against exploitation. Many studies only treat the symptoms of such a malaise but the root causes should be first taken into consideration and then acted upon to prevent recurrence of such incidents. It is essential to examine whether individuals crossing an international border especially between North East India, Bangladesh,

Bhutan, China and Myanmar are perpetrators or victims. The passport, visa and other immigration papers that individuals have used to cross the international border and also the strategy used by organized recruiting agents for trafficking women have to be scrutini thread-bare.

Combating and preventing trafficking is a shared liability between the countries of origin, transit and destination. The real, long-term impact of the various initiatives will be greatly reduced if they are not matched by actions in India, Malaysia and Singapore. Furthermore, it is critical to ensure that North East States are prepared to re-rehabilitate the victims who return because victims often fall in the hands of traffickers a second time or face psychological trauma. The victims require a multidisciplinary approach such as security, legal assistance, psychological support, medical care and rehabilitation. And, government must reject the practice of criminalizing victims of trafficking and placing their lives at risk through deportation, detention or imprisonment. The need of the hour is that the government has to work closely with its counterparts in the South East Asian region to stop the trend. Lastly, Foreign Policy initiatives should also become gender sensitive as we see that in International Relations (IR), very few thinkers of policy makers take cognizance of this aspect (J. Ann Tickner's *You Just Don't Understand : Troubled Engagements Between Feminists and IR Theorists*). We may end on an optimistic note that there may be more meaningful and fruitful interactions between women's (feminist) viewpoints and national and International policies and this would inaugurate a few agendas. ■

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WOMEN IN ADVERTISEMENTS IN THE PERIOD OF LIBERALISATION : IS IT A NEW IMAGE OF EMPOWERED INDIAN WOMEN?

Dr. Ayekpam Ibemcha Chanu

Abstract

The article is about the women's image on the advertisements in the Indian electronic medias especially in Television in the post liberalization period. There is also an assumption that the shift in the India's economic policy in favour of liberalization as a part of globalization process has brought a tremendous change in the lifestyles of the Indian society resulting an emergence of a new urban and suburban middle class which is clearly predicted in the advertisements, serials and films. In the post liberalization period, the mode and form of construction of womanhood in advertisement in addressing Indian women have changed considerably and from this change, one can easily trace the modified image of Indian women. The basic argument, here, is that is the modified women as shown in advertisement a new face of empowered Indian women? Whether the image of liberalized Indian womanhood will mislead society through false representation? In this background the article makes a humble attempt to analyse about the women's images on advertisements in Indian Television .The paper which is descriptive in nature is totally based on secondary data.

Key Words: Liberalization, Empowered women, Advertisement, Modified image

Introduction

The world has witnessed various changes in the last three decades in different aspects. The economic policy is also of no exception. Many empirical studies show that the status and condition of women is highly influenced by such changes in the economic policies. The shift in the India's economic policy in favour of liberalization as a part of globalization process has brought a tremendous change in the lifestyles of the Indian society. The free penetration of global culture to the local culture as a result of the liberalization policy also makes a change in the existing local culture. As a result, a new consumerism culture has developed and it produces a new urban and sub-urban middle class which has an unlimited aspirations, desires and dreams. In this changing process of consumerist system, women of today has redefined and modified as a new women. The images of modified and redefined new Indian women are clearly depicted in the advertisements, serial and cinemas. Here, some issues may be raised: Will such changes be allowed to continue? What shall be the message of such developments in the Indian society? What will be its impact on Indian society in the long run?

It is easily found that in many advertisements women are portrayed as sex objects and reduced to the status of sexual commodity. At the same time, the projection of modern women in much of the media, particularly T.V. serials, is not that she can live a life independently but of a woman who expresses herself only through her sexual encounters with sexual man. In addition to this, a kind of modernity is also projected which is linked to emancipation of several choice by the women not the occupational choice in different fields. In the age of liberalization, culture also becomes a product; the term culture here may be used in the large sense of the word to suggest lifestyles and personal preferences of the society. It also seems that there is a peaceful co-existence between the liberalized world and feudal one. Liberalization of culture also offers a

particular model of modernity to Indian society. A different kind of modernity, which is to encourage to foreign taste, foreign technology, fetishism has been developed through commercial advertising in the domestic Indian market. Such global cultural changes have transformed the face of Indian cities and sub-urban areas at large. A new look of Indian women has come out as a result of such developments. It is very common to show semi nude women model in different advertisements in order to attract the consumers of the Indian market. In sum, it may be said that the female body becomes a crucial icon in the project of modernity. However, the feudal concepts and values are not replaced by the new modern culture which has been brought by the liberalization policy; instead, the new liberalized culture encourages such form of cultural changes by commercialising it.

As in a patriarchal system, the onus of holding and preserving traditional identities lies upon the women and has to reach out to this section so that traditions may be reformulated whether as a strategy for co-option or to inaugurate radical breaks in them. The proponents of modernity have also to negotiate with the traditionalities. Hence, today's advertisements, cinemas, serials, etc which is an important element of liberalisation process as a project of modernity and reconstruction of new women has special significance for Indian women whether they are subject or the objects of the process. In this context, some important questions may be raised: how do Indian women as cultural icons and consumers of the changing culture appear in this changed scenario? What is their response? Are they completely co-opted in the changing liberalized culture? To have a better understanding, the article tries to discuss the kind of changing culture which the liberalization offers to the Indian women. However, in the later part, a special attempt has been made to analyse the role of advertisement and its relationship with the reconstruction of a modern Indian women in the present day society.

Objectives

1. To discuss the changing code of culture that the liberalization offers to the Indian women

2. To analyse the role of advertisement and its relationship in the production of new Indian women

3. To examine whether the images of modernised Indian women that have been depicted in the advertisements will be the real image of empowered women.

The Changing Code of Culture that the Liberalization Offers to the Indian Society:

The present day globalization and liberalization has assumed a new dimension of transnationalisation of production, capital flow and consumer tastes engulfing the entire world. (Sen, 2004). Worldwide expansion of internationally traded consumer brands, the global ascendancy of popular cultural icons and artifacts and the simultaneous communication of events by satellite broadcasts to billions of people at a time on all continents are visible marks of economic liberalization which is closely related to the contemporary changing cultural code. Due to constant influence being made by modern tele-communications, satellite TV channels, transport facilities, the volume of cultural traffic has been changed; however, such change never existed earlier. Hence, it may be said that liberalization leads to widening, deepening and speeding up of worldwide inter-connectness in all aspects of contemporary social life, from the cultural to the criminal, from the financial to the spiritual. These processes are reflected in all social domains from the cultural through the economy, the legal, the military and the environmental.

The culture matters a lot for liberalization process because it is an intrinsic aspect of the whole process of complex connectivity. In the era of liberalization, there is an infiltrated dominant culture of multinational companies in the Indian local market, changed in the division of labour, increasing phenomenon of labour migration, sex-trafficking (Chanu, 2001, 2002) and importance of trading regulatory agreements. The process of liberalizations has also brought a significant change in the balance of power between the media and government. The media influences the major economic decisions such as how to produce, where to produce, and when to shift from one region to

another in search of higher profit margin. So, culture becomes the aspect of liberalization process where media operating in cultural production sphere dominate the world market and perpetuate a value system among a considerable section of local populace designed to serve the capitalist interest of political hegemony. In the process of ongoing economic liberalization, most of the media houses of the world have also been privatized; and there have been a wave of multinational alliances. As a result, barriers to cross media ownership have come down and foreign firms have been allowed to purchase domestic corporations. In addition to this, as a result of the assimilation and combination of the technological change, there has been a change in the value of domestic medias.

This process enables the western TV channels to penetrate the Indian markets and as a result, the western capitalist values and their different cultural norms have powerfully affected the changes in the value system and moral of the country. Here, it may also be noted that in the present era of liberalization, the developed media system are used for not only business but also transmission and reception of popular culture. However, there is a vast section of society which can not participate in the liberalised consumer market because they don't have enough money to participate rather have to commit suicide or stay away from the new developments. The recent report as given by the agriculture minister in the parliament clearly shows about the current condition of the poor farmers of the country. According to the report, as many as 278 farmers committed suicides in the first 10 months of 2010 due to agrarian crisis in India. If so, what will be the condition of their wives and children? Is there any portrayal of such real victims in the Indian media, particularly at advertisements?

Hence, the changing culture is becoming nothing more than a commodity for the rich people and so, they strive to make it more popular if necessary obscene and sell it at the higher rate of profit. As this process of liberalization runs after more and more profit and also it runs after production of more and more luxury consumer goods, the changing liberalised code of culture may be referred as the consumer

culture. Hence, it may be observed that an aspect of liberalization is to increase the consumerism of the people who can afford to buy more and more luxurious items and thus, it generates a new form of consumerist lifestyle among a section of the society. What the above changing code implies is the status, identity, social position, and other kinds of self-definition, that is, who we are, what we are, so on and these are newly determined and displayed by what we are, what we eat, what we buy and how do we spent our leisure hours. Those who have the money can make the choice to participate in the global cultural consumption pattern whereas there is no alternative for those who do not have. Thus, a great division is presented by the liberalization process. In short, it may be said that the cultural change in the age of liberalization is the using of culture as commodity as indeed the commodification of every sphere of life.

Women in Advertisements

The basic argument in this section of the article is that whether the new image of women in the present day advertisements is the example of empowered women of the liberalised world? As mentioned earlier, in the era of liberalization, since there is a strong competition among the business houses in the liberalised global market and the increasing popularity of tele-media, advertising has emerged as dominant and essential ingredient of an ever developing market oriented media centric culture. Subject to the capitalist principles of competition, accumulation of capital and profit, the advertising industry survives by retaining current markets and creating one (Roy, 1992). In such process, women can play a significant role as consumers as the prime target of such development is women. With the changing economic structure of the society, the increasing number of women's participation in economic activities and the enhancement of the purchasing power of women, they are emerged as prime targets for advertisements; this is further enhanced by an increased in female viewership of the television (Chanda, 2000).

Basically, there have always been two broad categories of women

as represented in Indian advertisements. One is that of the housewife or mother and other is that of the often scantily clad, sizzling seductress which is reduced to the status of sexual commodity (Thakurta, 2004). While the images of the women as sex commodity has remained unchanged, her representation as the housewife has undergone some important changes since the liberalization process is started (Chanu, 2006). In the process of new economic system, the image of women in all forms of media have been regenerated, redefined and reorganized. One can easily trace the modified image of Indian women in the advertisements. Many reports also show that after liberalization, the share of women employment has increased considerably in unorganized sector. More urban elite women can also get the chances to join the services specially in IT sector. With more and more women going for paid work outside the private space of the family, a new image of the middle class women started dominating the cultural sphere. This image is that of an independent or modern women citizen of India that is intelligent, decisive and an active agent in constant transition under the project of liberalization. Hence, the represented image of Indian women no longer remain that of traditional housewife regulated to the private sphere of the feudal family.

However, the redefined image of the Indian women has become a convenient site for a peaceful negotiation between the tradition of the past and the new culture of the present generation. It can be seen from different advertisements as grandmother, mother, daughter, wife, daughter in law, mother in law in their stereotypical roles but their appearance and the form and language of the text in which they appeared are liberated from the crude representation and straight form and stereotyping of the docile domesticity of the women, engrossed in various home keeping and childcare activities towards the achievement of ultimate perfection in the performance of her gender role. For example, the very famous advertisements of washing machine and refrigerators specially for Whirlpool products. In these advertisements, we find that housewife happily performs all her works that she washes clothes and at the same time, she tries out innovative 'ice-magic' recipes

for her children, guests and husband. The advertisement of Home Shopping 18 may also be mentioned here. In these advertisements, the woman is a good housewife, mother, hostess which is highly intelligent, however, she does not require to drape herself in a Saree and Bindi. She is allowed to make her appearance comfortably in modern pants and short hair. Because, she is the new Indian woman, who is liberated by consumer capital who satisfactorily tackles the pressure of being a woman in a liberalised global economy with her purchasing capacity to purchase appliances like washing machines, refrigerators, microwave ovens and so on.

Some advertisements also show the shift from traditional to modernity but preserve the old values. It is specially shown in the advertisements of cosmetics and toiletries. For example, Parachut Coconut oil, Shalimar Coconut oil, Nihar Hair oil, Keo-Karpin hair oil, Garnier shampoo, Rejoice shampoo, etc.. The message of these advertisements is that the several things may change with time but beautiful long-haired look of the true Indian women remain unchanged, as like the hair oil or shampoo is essential for the maintenance of such identity.

Here, it may be observed that in the process of modification and reconstruction of new image of Indian women, the woman is implicated by twofold commodification of femininity embedded in discourses about modesty, sexuality, tradition, and national culture. As Geetha (2002) rightly opined that on the one hand, with the help of the dominant patriarchal ideology and reinforcement of several norms and attributes within social, economic as also religious systems that together hold the concept of traditional womanhood in place. In this type of womanhood, the wifehood and motherhood as an ideal virtue become the essential ingredients that build up the concept of Indian women, which is controlled by patriarchy simultaneously through coercion and consent. Coercion is exercised through social conventions, religious dictums and ultimately through her husband, who is superior by the institution of marriage and is the controller of her sexuality and reproductivity; whereas she consents to be her own moral guard, a

consent that is obtained through an elaborations of virtues of which sexual chastity is the most prized one, something that is declared to be her given ethic and something that she should strive to attain. Thakurta (2004) further observed that such controlled and passive sexuality of the Indian women which is marked in the images of good women with some sort of a relation to the family is shown in the advertisements so that they may be primarily perceived as devoted wives and very loving as well as caring mothers, that propagates the strong ideal of sacrifice and self- effacement for the cause of the family. Therefore, even when an image of a professional woman is projected in advertising, she is primarily represented in her traditional role which she performs her duty even in the public spheres (that is clearly depicted in several advertisements).

Another development that the liberalization offers with the help of advertisement is the paradoxical nature of women's role as consumers. In such developments, while advertising encourages women to consume, it also induces women to perceive themselves as commodities. The women here are the subjects of a transaction in which her own commodification is ultimately the object. In most of the advertisements of cosmetics and toiletries, women's sexuality is exploited either by representing her entire body as commodity for potential male consumers or by fragmenting the female body into eroticized zones such as hair, face, legs, lips, waists, hips, etc. In some advertisements, women are offered as prizes to the male protagonists consumers. For example, in the advertisements of perfumes as AXE, Denim, Park Avenue, advertisements for undergarments like Lux and Amul underwear, etc. In these advertises, women have no role to play in the narrative of the advertisements except co-object with the advertised product whereas men are represented not only as potential consumers of the product but also the consumer of the commodified women.

It may also be mentioned that the advertisements for cosmetics and condoms remain the best site for sexiest depiction, reducing women to the status of decorative commodities. This is a practice that is being

increasingly enhanced by the production of more and more feminine and masculine products in the open market. There are number of fairness creams and soaps, lotions, perfumes, oil, nail and lip lusters, shampoos which insists upon good looks and fair complexion as means for the salvation of woman (See the advertisements of vanishing creams that promises fair complexion like Fair& Lovely, Ponds and so on). The message in most of such advertisements is that success of a women lies not in her talents and abilities but in her physical charms of which a fair complexion with long hair is an essential criterion.

In recent years, television is also given a special attention for advertising number of jewelry products like golden rings, pearls, stones, kavach, etc. which the advertisers claim to be endowed with supernatural powers. There are also claims that millions of customers are cheated by such advertisements.(Assam Tribune, March 5,2011). In many of such advertisements women are also projected like an enemy who do not always want to see the positive development of their brothers or friends, instead main obstacles in the process of development. Let me take the examples of the advertisements of Najar Kavach and stones. In an advertisement of Najar Kavach, a businessman has lot his profit because a women of his relative once came to his place and asked about his happy life. In another advertisement a lady is projected the cause of a child's illness. To protect such unwanted developments, the kavach is required, as the advertisements show that after taking such kavach, a new positive development has come out. The message in these advertisements clearly shows that the success of a person lies not in his hard work and talents but keeping and using such kavach or stone with him/her. In sum, it may be said that in the age of liberalization, with the help of advanced tele-media, there is another wave of spreading more and more superstitious ideas and blind faiths. And women and children are the prime target for such advertisements.

The feudal concepts and values with the cultural imperialism is presented not only in advertisements but also in serial and cinemas.

However, for the present article, emphasis is given only to the advertisements. Here, it is also admitted that the image of modern man which is depicted in the advertisements has also changed. There have also been a significant modification in advertisements by using non-Indian images of women and men, for example, the advertisements of Garnier shampoo, Lakemee face wash and so on. Hence, it can be observed that such advertisements emulate a kind of global unity and equality in a consumer economy. In the advertisements of products like Biscuit, Masala powders, another changing concept of modern liberalised global Indian women can also be seen. These advertisements, however, keep the Indian women back to her place within the traditional moral economy. There is also a strong politics behind some advertisements which demand that the women of the household be kept in good health so that she might smoothly perform her duties and ensure that there is no disorder in the comfortable lifestyle of other members of the family who are destined to enjoy the fruits of her labour, as an example, here, the advertisement of MOOV, a pain relief ointment may be mentioned. In short, it may be said that there is a strong relationship between the new form of advertisements that offered by the economic liberalization and reproduction of new Indian global women.

Conclusion

For industries to continue higher growth and profitability, one of the basic activity is to try for new markets and create demand. It becomes more important in the age of liberalization, because, market becomes the deciding factor. Markets may have to be created where there were none before or may be minimally. In such a situation, luxuries may be encouraged to become necessities. The commodification of food and conditionalities will lead to mass production of the same commodities from many regions whereas it will be very difficult to find the space in the market. As an outcome, there will be a huge 'price war' which can lead to price depressions. However, in order

to find a space in the market as well as to cope up the losses, a new form of promotion of the products is highly required. In such situation, as a new form of advertisement, the image of women and child may be redefined and reconstructed.

Although, there is no barriers in the changed culture of advertising in the era of liberalization, it may be noted that, the advertising reconstruct only the women who belong to the upper class of the society, that is who get the privileges of education and higher economic status. The vast mass of working women in the unorganized sector of the economy such as working in brickfields, factories, agricultural lands, petty business, domestic works, etc are rendered invisible. So, the redefined modern Indian global women which are depicted in the present day advertisement is the image of the newly emerged urban and sub-urban middle class family.

In conclusion, from the above analysis it can be assessed that in the image of liberalised global Indian women, the Indian womanhood is changed in their cultural status with the concept of upper class liberated women and as a result of this, the society may be misled through false representations. The concept of liberation projected in the present day's advertisement are only in celebrations either it may in the form of religious or social or familial. It is the fact that in order to construct this world of abundant celebrations, the representation has to move away from realism and appeal to fantastic or post-modern strategies of different forms. Amidst this bubbling world of desires which have unlimited aspirations and dreams, women have become the prime target. Knowingly or unknowingly, they also become the active participant of the consumerist culture. Hence, the outcome of the article shows that the image of modernised Indian global women that have been depicted in the advertisements of this era of liberalization is of a small section of empowered urban women but not the image of larger section of Indian society. Another outcome of the article is that the changing cultural code of liberalization helps the

degradation of women's culture and encourages showing women as a commodity. ■

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CUSTODY OF CHILDREN IN A BROKEN MARRIAGE : ISSUES OF LAW AND GENDER

Vasudha Nagaraj

Introduction

This essay is a documentation of how women become subjects of legal system when the process and outcome of a trial is inflected by the category of 'mental illness. It is about how these women, labeled as 'mentally ill', represent and negotiate their selfhood in the language of law. Further, the paper also attempts, to identify the limits of what the legal recourse actually offers these women, in terms of what they are seeking. Considering that the law enjoys the status of being the primary legitimating discourse, how does it conduct itself in such a context?

It is well known that legal cognizance of mental illness can nullify contracts, marriages, capacity to hold and manage property, custody of children, etc. In the criminal law, it can even result in committal to a mental hospital and non-culpability of the crime. In the precincts of the law, any 'evidence' of diagnosis of mental illness can virtually disempower the individual both legally as well as morally. The significant continuities between sanity and insanity, capacity and incapacity often go under the radar of the law.

In the corridors of criminal courts, one often overhears intense prejudices concerning women's propensity to suffer mental illness. When women commit suicide due to harassment in their family, criminal

law readily accepts defense arguments that the woman was depressed, hysterical and prone to suicide. Not always are these submissions supported by medical diagnoses. Based on the woman's diaries and letters written to friends and family, or even single prescription, the law has proffered diagnoses of depression (Dhanda, 2001:352) . In such cases where the husband is on trial for abetting the wife's suicide, the law has accepted several explanations about how women become depressed during menstruation, pregnancy, miscarriage, childlessness and so on. It is also routinely argued that 'depressed' women cannot withstand the regular wear and tear (read violence) of their marriages. Time and again, the ambiguous link in the circumstantial evidence of such a suicide is the woman's state of mind. 'Proof beyond reasonable doubt', the thumb rule for criminal law, thus develops its chinks: how can a sentence of conviction be sustained against a husband whose wife was 'not all there in her head'?

In another register of law, that of securing divorces, Amita Dhanda notes that there has been a disproportionate and inappropriate use of the insanity provision against women. Dhanda analysed 60 appellate court judgments delivered during 1950-97, and found that 55 were against women. In these judgments, mental illness of the women was variously described as her inability to cook, her refusal to allow consummation of marriage, crying at the wedding, poor household management, disobedience of elders, etc. Dhanda even found judgments where divorce was granted merely on the basis of the affidavit of the husband alleging a mental illness of his wife. One of Dhanda's main conclusions about the legal discourse is that any departure from the cultural norms of a 'wife' or 'mother' can be read as mental illness. (Dhanda, 2001:356)

Considering the trends in judgments, it may seem a foregone conclusion that the law is inimical to the interests of people diagnosed or even accused of being mentally ill. However, as a legal practitioner in the domain of family, I think it is crucial to investigate the details of the process in which the law decides. The structure and the limits of the law are discernible more sharply in the process than either in the

statute or in the judgment. Any trial is a wealth of detail, contradictions and serendipities. Judgments are accounts recorded by the judge: a narration of facts as arranged and prioritized by him. He orders the evidence, borrows (selectively) from precedent in support of his array of facts, weighs the probabilities of evidence, and arrives at a decision. The judge's account, in general, is adopted as data of the legal discourse. However, judgments rarely tell us the many foci of the case: the circumstances under which the law was petitioned, the presentation of 'facts' in the petition, the difficulties of procuring the right kind of evidence and the possible out-of-court settlements. Attention to these aspects is essential for an enquiry of not only how the law works but also how the law is made in the courtroom.

Close reading of a trial enables us to underscore issues that get generally elided in legal analysis. What are the critical resources that the law demands from its subjects to decide their claims? What are the court room cultures that women have to contend with? In what modes do experiences of women get rewritten by the procedures of the law? What is the politics of the legibility demanded by the law?

Keeping these questions in mind, I recount here, a particular woman's struggle to retain the custody of her child. Accused of mental illness by her marital family, she appealed to the law to provide protection from her aggressively sane husband. I defended Gauri in this case and as part of this task, I wrote innumerable petitions, pored through volumes of case law and had series of discussions with other lawyers. I worked hard to make Gauri's case legible to the law . However, in writing the present account, my objective is not that of telling 'the truth' of the case, because there can be no such truth . I attempt, in this essay, away from the pressures of the immediate trial to: a) reflect on the process of 'production of legibility' for the trial; b) foreground the disconnect and coldness which characterizes the law's hearing of claims of women in distress; c) document the complex ways in which alleged or real mental illness of a woman constitutes her familial life and legal claims, d)problematise the inner rationality of the legal process by which it arrives at a decision.

Relevant Law and the Family Court

Most family trials are anxiety-ridden, tedious and time consuming. They take three to five years for completion. The appellate hearings may take even longer. In the pendency of these hearings, the status of marriage, custody of children, financial commitments remain in a state of uncertainty. As it is, in the court, there is an intractability of pleading and arguing the private, the family and the lives of women therein. Sexuality, house work and issues of violence, in general, lack a cognizance in the legal processes and thereby, are subject to wide ranging judicial discretions. In such a context, the claims of a woman who is 'diagnosed' as mentally ill become that much more complicated to become legible to the law.

Before one moves to the discussion of the actual trial, it would be important to know the specific law for securing custody of children in contested relationships. The relevant laws for this trial was the Guardians and Wards Act 1890 (GWA), the Family Courts Act 1984, and the Hindu Minority and Guardianship Act 1956, a combination of personal and general laws that have provisions for deciding issues of custody and guardianship. Generally these cases are filed as interim applications in larger petitions affecting the status of marriage, such as divorce and restitution of conjugal rights. Applications about the child can also be filed as independent applications under the GWA.

Analysing the contexts in which petitions are filed in the courts, Flavia Agnes points to how petitions of restitution of conjugal rights are routinely filed by husbands to defeat wife's complaints of domestic violence (Agnes:2008, 246) . Similarly, as counter moves, husbands file custody cases in retaliation to wives' claims of maintenance. In order to pressurize and manipulate the wife, a husband often threatens to separate her from her children. Such moves are common to the experiences of women who initiate legal action against the husband. Custody cases are replete with instances of one or the other spouse running away with the child to another destination, and file cases seeking guardianship of the minor.

The Hindu personal law more than adequately supports the man

in such threats by stipulating that the father is the natural guardian of the child and only after him, the mother. It, however, grants the mother the custody of a minor who is below the age of five years. Despite feminist critiques and case law that upholds the mothers' right to be a natural guardian, such provisions nevertheless remain in the statute books. The Hindu law offers some respite by stating that in the appointment or declaration of a guardian, the welfare of the minor shall be the paramount consideration. Similar is the position of Muslim law which makes the father the natural guardian and grants the mother the right to custody in the early years. The GWA while upholding the father's right to guardianship lays down additional conditions: the welfare of the minor, preference of the child, and the personal law of the minor as conditions to be taken into account.

'Best interests of the child' (BIC) is an important term to reckon with in the legal discourse of child custody. The courts have often held that the main consideration must be welfare of the child and not the legal right of a particular party. Archana Parashar in her survey of the various High Court decisions on the interpretations of BIC notes that judges exercise wide discretion in interpreting BIC and that the relevant statutes alone do not give them much guidance. It is left to the individual judge to resolve the contrary pulls of the welfare principle and the principles of religious personal laws. (Parashar, 2008: 125)

Custody battles, as a rule, are traumatic for women. The courts seldom recognize women's labour in taking care of the child. Either the scales are tilted in favor of the father as the natural guardian or there is the notion of apparent equality before law which makes the power relations between the husband and wife opaque. Even a cursory reading of judgments shows that women have to contend with several kinds of prejudices. She has to prove that she is financially independent and at the same time does not put in long hours in her job. The child should be studying in a good school, and most important of all, the mother should be chaste. If she has remarried, her chances of winning the custody battle become bleak. If she happens to be 'diag-

nosed' as mentally ill, her capacity to claim the child will definitely come under a cloud. It is rather surprising that there is not much case law deciding the issues of capacity of 'mentally ill' mothers. It is possible that such cases are limited to trial courts alone and not reached the appellate courts .

Now, a few words about the courtroom atmosphere where such trials take place. In the case which I will recount, the trial was conducted in a family court. Family courts are special courts to hear conflicts around marriage and marital property. Campaigning by the women's movement in the 1980s compelled the government to enact special laws and to set-up special institutions. In many states, women police stations and family courts were established to provide forums sensitive to women. Ironically, while the movement stressed on protection of women's interests in these courts, the State declared 'preservation of the family' as their primary objective.

The family court is a 'different' civil court with emphasis on reconciliation and settlement as opposed to litigation. Here, judges are advised to adopt different approaches that include sensitivity and speedy disposal. To create a non-adversarial context of litigation, some legal procedures are relaxed and the role of lawyers is restricted. In contrast to the practices of other civil courts, litigants are expected to attend court regularly and are also encouraged to represent their own cases.

However, in practice, family courts are nowhere near this ideal picture. They are overcrowded, handling much more than they are capable of. The backlog of cases is voluminous and judges are overworked. But one can clearly see that the court room cultures in family courts is not just determined by the fatigue of the backlog. Unlike property and other contract claims that are usually heard with great patience and perseverance, issues of the family often provoke impatience and frivolous comments from the personnel of the court. Women take the brunt of these comments and are forced to stake their claims in an indifferent atmosphere. Judges attempt to 'reconcile' in the most peremptory way, ignoring the seriousness of the distress that women

suffer. That women can become seriously ill as a result of harassment in the family has no currency at all.

Pleadings: Our Facts and their Facts

Gauri, the petitioner, came from a well-to-do middle class family. From the beginning of her marital life, she says that she became ill. During her illness, she sensed a foreign body within her and heard voices. Her husband, angry and maybe confused with her strange condition, brought her to her parents. Her parents then took her to a local Baba thinking that an evil spirit had possessed her who advised them to take her to a psychiatrist. The latter treated her with medication and told her that she suffered 'depression' and that her experiences were common for newly married women. Following this treatment, Gauri returned to her marital home. Despite her recovery, her husband's family was unhappy with her, and taunted her that she was mad and that they were cheated. Gauri's school and college certificates were examined, and she was asked to go through an IQ test. Despite succeeding in the IQ test she was given no reprieve. Her husband stopped relating to her, humiliated her and beat her saying that he was saddled with a sick wife.

Gauri suffered these taunts either by being silent, or fighting back in some instances and often confiding in her parents. Since her parents lived nearby, her only consolation was to visit them occasionally. Like most parents, they told her that 'things will settle in the future'. But, very soon even these visits were curtailed, as her mother-in-law thought that she was excessively dependent on her parents. Gauri's her movements were supervised, her cooking and socializing skills were criticized and she was called lazy. She was reprimanded if she woke up late or if she watched too much television or if she did not make rotis properly. Gauri's complaint was that nothing was ever expressed to her in kindness or patience. She found her family to be always angry and dissatisfied with her. She was given no money and it was her parent's responsibility to look after her personal needs or take her to the doctor when she was ill.

Soon, Gauri gave birth to a baby girl. Now, Gauri was harassed

in a different way. She was accused of being inattentive to the child's needs and that she was often sleepy and dreamy. After one year, the child was made to sleep with the mother-in-law on the ground that Gauri used to be fast asleep when the child was crying. She was not allowed to interact with her child and thereby the child became more attached to the grandmother. Gauri was miserable that her child was being distanced from her. During the innumerable fights that ensued, Gauri was told that she was not needed and that she should leave the child behind and settle for a divorce. In the meantime Gauri became ill again, neither eating nor sleeping for more than a week. Her husband and in-laws made no efforts to get her treated, thinking that she was sulking. Unable to take it any more, Gauri took her daughter and ran away to her natal home; her parents had by now moved to a different town. The husband made frantic attempts to recover the child from Gauri's custody. Fearing that she would be separated from her child indefinitely, she complained to the local police station as well as moved the family court for a protection order. The court readily granted her an interim order of custody which relieved Gauri to a great extent and gave her a respite. The interim order allowed her to settle with her parents, regain her health and make sense of the legal proceedings.

Gauri's husband was livid with rage that she had not only taken away his child but also gained an interim order of custody. He pleaded, in his counter, that Gauri's petition was full of lies, that she was continuously sick and prone to hearing voices. He added that she was withdrawn, asocial, and always drowsy and inactive. He pleaded that he had taken full responsibility for the upbringing of the child, that the child had no love and affection for Gauri. He filed two dozen prescriptions issued by three psychiatrists, bills and receipts of the medicines and records of Gauri's visits to various healing centres. He stated that Gauri was meeting her psychiatrist every month and that she had been on medication continuously all the eight years of the marriage. He also argued that her illness was deliberately concealed by her parents at the time of marriage and that he was cheated by Gauri's parents. In other words, he argued that Gauri was very ill, a patient of

chronic depression and thereby incapable. He tried his best to get the interim order vacated but the court was not convinced and ordered that the child will remain with Gauri during the pendency of proceedings. Thus began the trial for the guardianship of the child.

Contested Facts

The allegations that Gauri was chronically ill came as a shock to me. When I asked Gauri whether she had undergone treatment all the eight years of her marital life she said that it was true. When I enquired as to why she had not revealed the extent of her illness in the petition, she was reticent and evasive and said that she did not think it to be so serious. Gauri, however, repeatedly said that she was ill only because of her husband's ill treatment and the intolerance of his family. Gradually she shared that during her illness she would become withdrawn, weepy and hear voices. The medicines made her feel very sleepy but she regularly took them and worked hard despite the inertia that overtook her. She said that her husband's family extracted maximum labour out of her and yet called her mad because of her occasional episodes of illness. In the last instance, Gauri said that she felt lost and betrayed when she became very ill but her husband refused to take her to the psychiatrist.

Gauri's parents also confirmed the fact of her long psychiatric treatment. They said that she was always a bright and cheerful girl, but it was the marriage that brought forth this illness. They added that the psychiatrist had repeatedly asked Gauri's husband to come for counseling but he refused to go to what he called a mad doctor's clinic. Apparently, the psychiatrist told them that Gauri's recovery would be faster if her husband participated in her treatment. He also suggested that Gauri having a child now could greatly help her recovery. According to Gauri and her parents, the issue was not so much the illness but it was her husband's uncompromising attitude towards her that led to the present situation.

The trial proceeded along this principal node of tension. While her married life of eight years revolved around the axis of her illness,

medication and the psychiatric clinic, her pleadings in the court had erased the issue altogether. Indeed, our petition was silent about Gauri's illness except at the initial phase of her married life. Our petition only contained facts of general cruelty experienced in the family rather than foreground her illness as a direct consequence of the cruelty she suffered. At this stage, we could not introduce any fresh lines of reasoning except what we had pleaded. Unwittingly, we were now forced into a difficult situation of fighting on the ground that Gauri was never ill except during the initial phase of her marriage.

The trial now assumed a fictional character. There was a nagging thought that one could have pleaded that her illness was temporary or dormant but precipitated by the cruelty of her husband. However, one was again not sure about how admission of illness would be perceived by the court. I was advised that one should not voluntarily make an admission, especially in cases of mental illness. It was up to the husband to prove that Gauri was ill and he had to execute the burden of proof. There was always a chance that he may not prove it. I was also cautioned that any admission of her illness would have serious implications with regard to issues of her legal capacity, here in this instance, the capacity to keep her child.

We expected the husband to examine the doctors who issued the prescriptions as witnesses. This was standard procedure in trials with charges of mental illness. The prescriptions produced in the court, interestingly, did not have any description of the illness or a diagnosis. They contained only a list of medicines: Trinicalm Plus, Azona (Ziprasidone) 80, Quitipin 200mg, Oliza 10mg, Risperidon 3mg and Feliz S 20mg. Brief survey on the nature of these drugs indicated that they were anti-psychotic drugs, with serious side effects. However, neither Gauri nor her husband knew much about her illness except as depression. In all probability, two or more psychiatrists could be examined, one from their side and one from our side. The prescriptions could be legally proved if the psychiatrist who prescribed the medicines would be examined. It looked like a long trial.

In the meantime, Gauri had to change her psychiatrist. To get a

better grasp of her problem, I met her new psychiatrist. He said that he had scaled down her medication considerably. He added that Gauri was in relatively good health and that living with her parents had given her a sense of security. Asked about her earlier prescriptions of heavy dosage of drugs, he said that the ill treatment by the husband could have exacerbated her illness. He hinted that some psychiatrists tended to routinely prescribe strong drugs without much thought of their side effects or about how the patient was responding to them. He advised us to suggest to the court that Gauri was open to a medical examination, a safe alternative to offset the evidence of the prescriptions. In his experience, he found courts to rely on the current status of the patient rather than past history. The psychiatrist was confident of Gauri passing the test. But he suggested that before going to the government psychiatrist for the examination, it would be better for Gauri to do some rehearsing with another psychiatrist. While the psychiatrist was confident about Gauri passing the test, I had my own fears. Should we make the first move or should we wait for the husband or the court to demand the medical examination? What if we made this move and Gauri did not fare well in the medical examination? Another round of consultations told me that one should not rush into the medical examination as the result will become legally binding.

In addition to the medical evidence, there was also the question of the preference of the child. Perhaps because of the active distancing that was practiced by the husband's family, the child did not express any overt fondness for her mother and yearned more for her father. As mentioned earlier, the GWA stipulates 'preference of the child' as one of the considerations in deciding custody cases. From our point of view, the child was unpredictable. She was inconsistent, and each time behaved in a different way. It should be noted that during the trial period, Gauri had custody and the husband was given visitation rights during vacation. School required the discipline of regular meal, sleeping time and homework. Since the mother had the custody she was the one who disciplined her whereas the time spent with her father was free from such everyday discipline. Each time the child

was brought back from vacation and delivered to the mother she would weep inconsolably demanding that she be returned to her father. This added its share of complication to the case. Our anxiety was that this arrangement would make the child prefer the father to the mother. The law was disinclined to understand these specific contexts in which the preference of the child was determined.

Evidence: Facts Proved and Unproved

Quite contrary to popular notions, compiling evidence of harassment is not only challenging but sometimes nearly impossible in familial contexts. The nature of evidence expected in the legal codes does not often synchronize with the processes and transactions of everyday living. In the court, evidence is counted only if there is specificity to it and a follow-up. It is often compiled in the register of absence or lack of a fact. Dowries and jewelries are proved if they are accompanied by receipts and vouchers. One should retain copies of letters to friends and relatives describing one's distress. Visits to the hospital should be preserved through prescriptions and bills, children's upkeep through fees receipts and doctor's bills, husband's income in the form of pay slips, bank account pass books and his property in the form of the registration deed. Most often, weddings are performed and lives lived without ever keeping a record of these documents. For Gauri, except the oral testimonies of herself and her parents there was no hard evidence to show that she had suffered in her husband's family.

Oral testimonies again have their share of problems. One needs to think hard to see who can best support the case. Ideally, in family cases, parents, neighbors, relatives are lined up as witnesses. Since the legal version is different from the versions that normally circulate amongst family members and relatives, each witness requires to be 'coached' along the lines of the legal version. For instance, in Gauri's case, everyone had to affirm that she was never ill except for the first phase of her marriage. It was crucial that all the witnesses had to remember this fact. Even if one of them forgot and fumbled, it could

jeopardize our case. Witnesses have to be firm, coherent, neither easily excitable nor unduly intimidated. Not always are family members, friends and relatives willing to enter the witness box. Some of them may actually not be interested or even fear the prospects of entering the witness box, not to speak of the fact that becoming a witness implies several visits to the court and long hours of waiting.

All witnesses are cross-examined. Through cross examination the veracity of the witness is tested. A cross examination, evidently, is a stressful exercise for the witness, and also an intimidating one too. Crucial counter-evidence is collected when the witness forgets, fumbles and slips on the relevant facts. It is an exercise intended to sift through facts, to detect and expose discrepancies, and to elicit those suppressed facts which will support one's case.

Preparing Gauri for her cross-examination was the most difficult part. Her memory of early years - education, marriage, honeymoon, pregnancy and other events - was very vague. We had to reconstruct every detail and in the process foreground some facts but conceal others. It was important to camouflage the fact that she had discontinued her education several times. We advised her to depose that she was irregular in her studies as she was forced to take up domestic chores to prepare for her marriage. Though it is common for girls to discontinue their education, in Gauri's case one had to be cautious. It could be read as a symptom of her illness. Similarly, she was asked to make lists of her jewelry and sets of clothes, her chores in the household and relevant dates and places; to deny all knowledge about consultations with her doctors and the contents of the prescriptions. Here, we were walking on thin ice. Even during her rehearsals, if it became too stressful, she would become inattentive and start giggling. Now, this was something we had to avoid at any cost.

Gauri was cross-examined in two sessions of three hours each. She was confronted not only by the prescriptions but also with her diary and every scrap of paper that she had left behind. Apparently, Gauri had forgotten all about these papers in which she made notes on her illness, medications and queries to the doctors. When con-

fronted with these papers for the first time, she was so petrified that she admitted some and denied some. Some of it was damaging for the case, but she narrowly survived the sessions of cross examination. She endured, perhaps, because the husband's lawyer was not so competent in litigating matrimonial cases. His expertise lay in property and contract cases.

Gauri's parents were also prepared for the cross examination. Her father suffered high blood pressure and looked wobbly and uncertain. In his confusion, instead of denying knowledge of the prescriptions, he ended up admitting one set of prescriptions. Gauri's mother similarly made mistakes and contradicted herself. We were hoping to enlist Gauri's uncle as a witness too, but had to drop him in the last minute as he was wavering in his support to Gauri. He was not convinced that Gauri had taken the right path by appealing to the law and felt that the family elders could have settled the matter. He seemed to be a precarious witness and so we did not call him. With this we closed our evidence.

In his defense, the husband examined himself as a witness and filed her diaries, prescriptions, receipts and to be sure also some packets of tablets. In his cross examination we managed to elicit from him that that he pleaded no specific instances of Gauri exhibiting abnormal behavior. As discussed earlier, pleading general instances of abnormal behavior without a date and time do not carry much relevance as evidence. We also confronted him that the prescriptions carried no diagnosis and that the medicines could very well be prescribed for general health. He admitted that he pleaded no instances of actively seeking treatment for his wife. Such an admission, we argued, implied that he did not do so as his wife was normal and healthy.

The Unexpected Turn

The child was interviewed by the judge. We prepared the child too, but were very unsure. We played safe by asking the child to say that she loved both her parents and wished to live with both of them. That the child may be tutored is a common apprehension for judges.

About fifteen minutes prior to the examination, the eight year old child was asked by the judge to sit in his chambers to prevent last minute tutoring. The child being a minor cannot be examined as a witness, but can only be interviewed by the Judge. The child is generally asked about her likes and dislikes and loyalties with her parents.

Much to our relief, the child spoke well about her mother and even preferred to live with her. In other words, she vindicated her mother's position that given an opportunity she could bond with the child. We filed the child's progress reports to show that she attended school regularly and did well in her studies. The child's progress cards, we hoped, were evidence of the mother's capacity to look after the child.

Following this, we were in for yet another surprise. The husband declared that he had no more witnesses. He did not examine his parents or friends, nor did he examine the three psychiatrists. The trial, in other words, abruptly came to an end. Without the evidence of the doctors, the prescriptions carried no evidentiary value. A prescription can be proved only if the doctor issuing it is examined. Examining the doctor gives the court a chance to assess the symptoms and definition of the illness in question, the medication, the chances of curability, and the risks of relapse . The issue of Gauri's medical examination also did not arise. Our suggestion in the cross examination that the medicines prescribed may well be general medicines gained validity. The strategy of not revealing Gauri's illness worked to her advantage.

Clearly the husband's parents and uncles had declined to appear as witnesses. He had failed in summoning these crucial resources for the trial. The absence of corroborating evidence considerably weakened his case. We argued with aplomb that the husband had leveled only vague, uncorroborated and unsubstantiated allegations against Gauri. He neither proved her illness nor could he prove that she was incapable of mothering her child. We also argued that he mounted no evidence to qualify himself as the guardian of the child. He filed no documents to show that he was financially capable nor did he convey that his parents were interested in taking care of the child.

Our admission that Gauri was depressed in the first phases of her marriage, however, continued to be a thorny issue. Such an admission, we were aware, could give the judge a sapling of doubt that perhaps she still suffered the illness. He may very well say that having made such an admission it was Gauri's duty to prove that she was well. But, again, we reassured ourselves that it was the husband's responsibility to prove that Gauri continued to be ill. The burden of proof of her illness could swing either way. The facts were unavoidably locked in a matrix leading to more than one interpretation, thereby giving wide room for the judge's discretion to operate.

In the course of the final arguments, the judge attempted another round of reconciliation and counseled Gauri and her husband, in the presence of the respective lawyers. The judge insisted that Gauri should try to return to her husband, at least for sake of the child. He said that marriages are like rose bushes, thorny and flowering, and that disputes are common to all households. Gauri replied that she did not feel safe returning to him. The judge then turned to the husband. The latter promptly said that they were only petty quarrels and that he was willing to take his wife back. The husband's (male) lawyer commented that marriages are breaking up for flimsy reasons, that Gauri is like his daughter, and he would like them to reconcile. The judge requested us to consider settling the matter. The complicity of interests was too conspicuous to be missed in its significance. After all, the preservation of the family was the explicit objective of family courts.

The judgement that was finally pronounced was half-hearted and quite disappointing. The judge ordered that Gauri can keep the child for two years. The trial lasted for two and a half years, and the respite that she got was limited custody. He was unconvinced by her accounts of cruelty, and refused to even take them into consideration. In assessing the welfare of the child, the judge stated that it was unnecessary to delve into the cruelty suffered by the mother. He also did not stress much on the allegations of her illness and declared that she was not ill. However, he used the husband's legal status as the natural guardian to set-aside Gauri's prayer for permanent custody.

He held that Gauri led no evidence to disqualify the husband from continuing as the guardian. The judge neither dismissed her claim nor did he allow it fully, but left it inconclusive, almost expressing an inability to make up his mind.

Some Reflections

How does one reflect on the disappointment with the judgement? Can one explain it away as a misfortune that the judge who heard the case was overburdened, insensitive and not-so-well-informed? Or that our evidence perhaps was not good enough to secure full custody of the child? Or was it something inherent to the structure of the law that its outcomes are so unpredictable? Or maybe we should not focus on the judgment and reflect more on the process of the trial and the discourse that it produced both in Gauri's life as well as the court room.

Let me begin by discussing the most obvious question. Why did we erase the "illness" from the petition? It is easy to say that we misrepresented to the law that she was not ill. But, was her illness such an obvious fact? Was she really ill? Was she ill prior to her marriage? Or was she ill because of the persecution at her marital home? Who was to decide that she was ill? Could the psychiatrist's evidence be the final word on her illness? Did the medicines cure her or did it aggravate her illness? Analysing the role of the clinic in treatment of mental illness, Bhargavi Davar asserts that the doctor - patient relationship raises all the problems of power and exploitation (Davar, 1999: 137). She argues that the outcomes of the clinic are determined by the clinician's knowledge about protocols for therapy, his worldview and attitude towards women, the stereotypes that would be resourced, and the communicative strategies deployed. Proving a prescription, in such cases, would press the switches of the other layers of prejudice inherent to a diagnostic setting. The trial, ideally, would then have to engage with questions of diagnosis and cure in the discipline of psychiatry, the practices of medication and its side-effects. Evidently, one was contending with a double issue, the nexus between two structures of authority - psychiatry and law. As a strat-

egy, rather than confront this nexus, one tried to circumvent it.

Gauri's interests were pleaded using the provision of 'best interests of the child'; while in reality one was actually challenging the incapacity imputed to her. Before the law, ironically, we were forced to litigate a non-issue, that of the child. As part of this argument, we reinforced the conservative position that children of tender years should be cared only by women/mothers. The child, in this instance, could have lived and developed with either of the parents. What was at issue was the ruthless way in which the husband attempted to disempower Gauri completely. He demonstrated no commitment to her recovery. Neither in the court nor with the husband was it possible to plead that the child's presence could aid Gauri in building her self-esteem. Both for the husband and the law, the child had to be protected from the mentally ill mother. The husband did not come forward with offers of support to give her a sense of security. Nor did it ever occur to the judge, during his efforts to reconcile, to propose any such measures.

The law provided Gauri a platform and an opportunity to challenge the harassment she suffered and fight the allegations of madness levied against her. It treated her as a citizen on par with her husband and gave her a much required sense of purpose and dignity. It gave her an interim order of custody for the pendency of proceedings. But, if one looked closely, the legal process also turned out to be a limited space, elusive, tiring and stressful, perennially fictional in its character. Before the law, as in the family, she had to contend with similar biases and limitations. Perhaps, in the case of the law, in the guise of assessing evidence, these biases became much sterner and unyielding in character. However, the judgment did not travel far enough to attempt any departure or rewrite norms in any substantive manner.

The law enjoys the status of being the sole authority to offer protection to women suffering in the family. It is therefore imperative that every instance of injustice is brought before the law and be translated into the language of legal categories. In order to sustain its pre-eminent status, the law keeps itself alive to issues in the ethical and political domain. At the same time it also maintains for itself a

distinct identity, that of being dynamic and open. From this perspective, one sees how the law has opened itself to campaigns by the women's movement, inviting demands for recognition and protection from its subjects. Selectively, the law accommodates, bringing itself in line with current demands, to include newer details of infringement, injury and discrimination. It creates a space and provides universal languages of equality and neutrality to the victim to battle the adversary who can be a fellow citizen, the family or the state itself. As part of its practice, it supplements the statute and constructs impressive archives of case law to be relied on as precedent. It is through these procedures that the law conveys that it will enquire and deliver justice in an unbiased and systematic way. All this to say that its method of dispensing justice will be far superior to any other source of justice in society.

However, feminist critiques of the law have repeatedly demonstrated the intractability of petitioning the law in the domain of family, bringing into sharp relief the limits of the law. Despite three decades of negotiating with the law one struggles to obtain even nominal successes from it. Women may either not have the accurate evidence, or the best contacts or fitting case law, or even enough public discourse to convince the law about their suffering. Any of these factors either singly or in combination has the potential to frustrate women's claims for recompense. Clearly, the critique sounds a note of caution about the engagement with the law and its promises of justice. Yet many of us appeal to the rule of law with an anticipation that it will recognise and address our injuries. We do not hesitate to subject ourselves to the humiliation and uncertainty that such an appeal engenders. What could be the contents of this anticipation? It could perhaps be the optimism of having a 'good judge', or discovering a 'loophole' in the law through which one wriggles one's claims, or the sly hope that the opponent may not make the grade as a witness, or a 'settlement' that will open up half way during the legal process. In a trial one notices that the rigidity of the law carries its own set of fissures and crevices opening up quite a few moments of instability in everyday legality. Even as one is aware of the limits of the law, these moments of instability nurture mild hopes of playing the game of the rule of law in our favour. ■

POLITICAL EMPOWERMENT OF WOMEN IN INDIA'S NORTHEAST

Miss Lianboi Vaiphei

Introduction

In today's new world order, women and their issues are increasingly seen as an important as well as a crucial indicator of the society which is based on human values and dignity and thereby forms a very important ingredient of a modern society. The political participation and their empowerment have been essentially equated with the progress and its reflection of the democracy in the society. It is no wonder, that the traditional patriarchal societies have often been inversely perceived as being insensitive to the differences of the sexes. Around the world there is a varying differences in the diversity of people's language, customs and cultures but one factor unify them all is in the fact that women as a gender has always been socialized to occupy a subservient role vis a vis to men and has led to the legitimization of patriarchy. This has led to women being not only seen as subservient but also perceived as a "weaker sex" and therefore the birth of a female child is greeted with a strong repulsion.

In India's northeast the women has not faced such a strong and dominant patriarchy that the rest of the country has to go through such as female infanticide. Due to which the image of women has been perceived as being more progressive and therefore "modern" than the stereotyped images of the traditional Indian woman which is

prevalent in the rest of the country and their image portrays. Historically there have been episodes in which women has come in the forefront and defined the political history such as the Nupi Lan in Manipur.

The politics in India's Northeast is has an interlayer of complexities within the region-the contestation of space among the different ethnicity in the micro level along with homogenising the different ethnicities into a commonality of what the nation seeks to build which is distinct from the concept of a nationhood at the mainstream level. This has led to an armed struggle among the people which has taken the form of insurgency and conflict from the Indian state. Therefore, politics has become synonymous with the contestation of homeland leading to conflict and violation of human rights.

Despite such a scenario of northeast, the concept of modernity has transcended the women and has legitimised their presence of women in the public arena such as in the media, business, civil service, civil society, pressure groups etc. This paper seeks to study whether amidst the conflict and violation of human rights in Northeast India, what will constitute as political empowerment of women and if there has been one.

Politics and Women

The image of woman in many traditional societies has reiterated on a stereotyped role that woman has to play, such as the helper of the man. The man being the "stronger sex", and hence the "decision-maker", which advertently point to diametric opposites of women being the "weaker sex" and therefore "obeying" women. The progression of an "obedient" woman extends to the image of a "home maker" whose natural instinct is to nurture and fulfil the biological role and its duty of being a mother.

In reality, the differences of the sexes have more to do with the differences of socialization than the biological differences. In other words, sex connotes biological differentiation while gender is linked with the socialization process. Many social attributes have been connoted with the feminine gender such as emotional, internal, soft

vis a vis the masculine like rational, external, hard etc. With the belief that intense physical or intellectual activity would be injurious to the delicate female biology and reproductive system, and were taught to refrain from pursuing any serious education. Silently perched in their birdcages, women were considered merely objects of beauty, and were looked upon as intellectually and physically inferior to men. This belief in women's inferiority to men was further reinforced by organized religion which preached strict and well-defined sex roles.

That is why women were considered to soft and dependent on man for having a rational mental outlook and were expected to be obedient wives without possessing any independent thought or opinion independent of their husbands. It was considered improper for women to travel alone or to speak in public. The adage of 'to be seen rather than to be heard' was practised and followed around the world. These social attributes have gain legitimacy due to the religious and cultural sanctification it has received.

Gender has been defined as "an institution that establishes patterns of expectations for individuals, orders the social processes of everyday life, is built into major social organizations of society, such as economy, ideology, the family, and politics, and is also an entity in and of itself" by Lorber (1994). Therefore, the participation of women in politics was assumed to be out of the question as women were perceived to be too soft and emotional to participate on hard core politics which requires the characteristics of being rational, intelligent and strategic that are in sync with the male attributes.

From the ancient times in history, the state has always had a gendered process where women were excluded from the domain of citizenships and the rights attached even in the Ancient Greek and Roman Empire. Till the nineteenth century, women were considered as second class whose existence was limited to the interior life of the home and care of the children. Women had to struggle even for their basic political participation of attaining their adult suffrage and New Zealand was the first country to achieve it in 1893 and Australia was the first country to allow woman to contest for election.

Today in almost every country, woman has not only attained adult suffrage but are working towards one third representation of women in the legislature as well so that gender equality can be reflected in the society. That is why India seeks to implement 33% the seat reservation for women through the Women's Reservation Bill.

Politics in India's Northeast

The politics in India's Northeast reflects its geostrategic location. It has the distinction of connecting the Southeast Asia with South Asia, bordering with five international boundaries out of the seven and serves as the Eastern frontier. Therefore, the region reflects the diversity that blends in the distinct South Asian and South East Asian culture to form a culture that is distinctly unique from the two.

The people in this region have issues which is unique as the region where ethnicity defines the differentiation of the society rather than caste unlike the rest of the country. Interestingly, it has shared histories that coincide with the struggle against the foreign rule due to the spread of British imperialism. That also explains the late participation of the region in the entity of nation building as a whole. Nevertheless, post independence, it formed one of the integral regions of country reflecting and contributing in the diversity a multicultural India.

The region as such comprises of the eight states of Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. Although, the region represents 3.6 percent of total population of India in a land area that comprises 7.6 percent of the total land area, the region has a diversity that represents a microcosm of the country as a whole.

The people in the Northeast have different religious beliefs from Hinduism, Buddhism, Muslim, Christianity to ancient rituals of animism influencing a unique culture that has a blend of the Indo-Sanskritic with the Tibeto-Burman culture. It is no wonder that the politics of the region is confronted with issues that reflects the unique diversity.

The contestation of space both in the geographical as well as the democratic space along with the effort of homogenising the different

ethnicities in an effort to build a nation out of the political region that's antithesis of the larger identification of the political identity and resisting any form of subjugation through arms are the dominant factor that define the politics in India's Northeast.

The political history of northeast has witnessed a constant struggle of political sovereignty from one dominant rule to the other. In fact, the region as a whole had to brave the armed invasion of the axis forces led by the Japanese troops in the fag end of the British rule. These entire historical struggles in the political process have always had a gendered perspective in the sense of gender definition of power and their perspective of politics.

Yet, the region has also had a unique distinction of women playing an integral part in all these political process such as the Nupi Lan Movement of Manipur against the colonial rule during 1920 to 1947. Besides, there have been women freedom fighters such as Rani Gaidiuli of Manipur, Lalnu Ropuiliani of Mizoram to Pushpalata Das of Assam.

Women in Northeast Politics

Women in the Northeast are active participants' of the public space in their participation in the freedom struggle against the colonial rule historically as well as in the contemporary times. The perception of the status of women in the northeast society has been more egalitarian than the rest of the country as female education had to face lesser challenges and social taboos has been reiterated time and again on the status of women to be better than counterparts in the rest of the country. Besides, the statistics of Mizoram having the second highest female literacy rates as well as the overall literacy rate has reinforced the view.

However, it is true that women are respected in Northeast and has very negligible dowry deaths and female infanticide and has progressed but assuming that as a basis for women empowerment in politics would be a fallacy. The modern progress of education and development has unconsciously appropriated a gendered perspective

of power and politics which has excluded women and placed them in the periphery of the mainstream politics.

As the only role that women have played in politics is in exercising their adult franchise during elections and have outnumbered their male counterpart in the states of Manipur, Meghalaya, and Mizoram as the recent general elections has shown.

There has been under representation of women in political assemblies and is far from the stipulated aim of 30 percent representation of women by UN. The reason behind is the marginalization that women faces in institutional politics as the data of the recent general election will reveal that just three of the women candidates have been fielded by national parties, namely the Congress, the Bharatiya Janata Party (BJP) and the Nationalist Congress Party (NCP), out of the 18 women candidates in the fray. Although there are much larger representation of women contesting elections from the local and regional politic parties or as independents as they has increased from seven in 2004 to 18 in the parliamentary polls this time.

The participation of women in administrative, managerial and political decision-making is much below the norm of 33 percent mentioned by the UNDP GEM measure as they are marginalized in institutional politics. The Gender Empowerment Measure (GEM) is an indication of women's political participation, decision making and economic participation, as well as power over economic resources in society.

It is interesting to note that woman has always been allowed to have an active economic role such as the women's market Nupi-Keithel of Manipur but their freedom have never overlapped into the domain of decision making even in the matrilineal societies of Meghalaya, where the maternal uncle is the main decision maker in her sister's family. It is no wonder that the other patriarchal societies would facilitate women to carve a niche in the decision making and power over the economic resources of the community.

The women in the Northeastern states have a conspicuous presence in the economic life but cannot be said as same in politics.

They are marginalised in the domain of power politics which is highly gendered all the more due to security issues that has been evoked due to the political orientation of some of the ethnic communities that has been socialised into the insurgency mode of creating a secessionist movement.

In other words, the cultural stereotyping of power and politics has appropriated a gendered perspective of state that has marginalised the active participation of woman and has been reiterated due to the traditional paradigm of national security. Interestingly, the traditional concept of security has been interlinked with legitimising the gendered perspective of state on the one hand as well as a legitimising the anti secessionist movement of the insurgencies that it has led to interactions of violence that the state appropriates through its apparatus and created vicious cycle of the ends justifying the means and vice versa.

That has led the politics to be an arena where issues are thrashed out in the most basic instinct of securing security for survival that has made woman feel insecure to venture into politics and prevented them for political empowerment.

Conclusions

The women in northeast have attained a literacy level that is on par with the rest of the country due to which there is an awareness of their right. However, the hurdle and handicap that women faces in attaining political empowerment is due to the geo political situation where the unique culture of the region has automatically developed an identity that is unique from the rest of the country. The geostrategic reality has popularised the concept of a legitimising an identity that digress from the country as a whole, which has led the state to appropriate a gendered discourse of politics and real politik in a language of violence that has led to violation of human rights as well as marginalising the democratic space that women has occupied.

The political empowerment of women is important as they are not only the stakeholders of the future of the society but also peace and the political discourse affect them equally if not more. ■

GLOBALIZATION AND NAGA WOMEN: A SOCIOLOGICAL PERSPECTIVE

Dr. Ajailiu Niumai

"To awaken the people, it is the women who must be awoken. Once she is on the move, the family moves, the village moves, the nation moves" - Jawaharlal Nehru.

Every time we liberate a woman, we liberate a man - Margaret Mead (American Anthropologist).

This paper attempts to highlight the socio-economic, cultural, political and religious lives of Naga women in the traditional society and it also examines the impact of globalization on the everyday lives of women. Today, gender and globalization has emerged as a fiery issue and it has become an important academic topic of discourse and sociological research. We are living in an era of dramatic change, in a world that is being transformed by complicated financial systems and hi-tech revolutions into huge global market systems. Amazing transports and communications between different tribes, castes, races, ethnic groups, states and nations have created by globalization, promising unprecedented privileges for material prosperity in larger freedom, but also threatening to compound several existing challenges of those most vulnerable.

In such a complex scenario, it is essential to point out that the Naga society in the past was a simple one confined mainly to the

village in which women played their sub-ordinate role assigned to them completely in the social, political and religious affairs. The changing facet of Naga women has become a vital question. I have explored the responses of two prominent Naga women organizations viz, Naga Mother's Association (NMA) and Naga Women Union (NWU) based in Nagaland and Manipur respectively on questions related to gender inequality, a decade ago. These women's organizations were formed mostly out of women's desire to give expression to their personality. Naga women are keen to manifest their ability, talent, potentialities and creativities to play positive and significant roles in the society. These women's organizations held out great promises for the empowerment of women and for enhancing their status. Sometimes, the social activists motivate people to take up the cause of gender justice and social evils in a stronger, bigger and better way. One finds that empowerment of women is a complicated and uphill task.

A handful of these Naga women's organizations have also been involved in mobilization, protest and challenge to the basic power relations against the system of patriarchy, which marginalizes women. In the Naga culture, men have always been privileged to be decision-makers. By tradition, women are considered housewives while men are to be heads of the family. "It is true that Naga women enjoy certain privileges and status compared to other women in other parts of the country. The high status is perhaps attributed to the fact that she do not wear purdah or pay dowry and she can mix freely with men" (Meziir 1982:32). But, women are expected to do all the household chores starting from their childhood while boys are given freedom. This tradition is however, not very popular among many educated parents. Yet, there is a tendency to expect service from girls, and boys are given the preference to pursue higher education particularly among the uneducated parents. Since there are many uneducated parents, the old traditional concept about boys and girls remain unchanged and the girls are thus neglected.

Traditionally, the birth of the girl as the first offspring in the family is considered favourable. For, in a Naga family there is a requirement

of the eldest child to play a certain role, which is essential for the welfare of the family. And girls are preferred to be the eldest child as they are helpful to their parents in the discharge of duties. However, the birth of a boy is generally preferred in the Naga society as the customs and traditional rules implies that the lineage of a clan and family is through male line.

Naga women have their own role in the community as members, which is different from men. There is no doubt that the status of Naga women is placed under men but their role is significant in different spheres of life. "The fact that Naga society is patriarchal as well as patrilineal implies beyond any doubt that women are not equal to men in certain aspects of life. The patriarchal Naga society is reflected by notions such as the birth of a male child being auspicious, man as the bread winner and the protector of the society and women being subordinate to their households" (Zehol 1998 : 2).

Naga Women in the Socio-Economic and Cultural Life

Naga women are bound with duties and assignments. They have to ensure that her family members are well clad and comfortable throughout the year. They weave varieties of traditional dresses such as shawls and kilt, which is generally of black colors embroidered with cowries. Besides, they also make ornaments like necklaces of beads, armlets of ivory or brass, leg rings of cane and earrings. At the same time, they have to obey and act according to what their husbands and menfolk command them to do.

The social stability and harmony of the Nagas is enhanced by their hardworking women. From history, one understands that Naga women had been actively involved in life outside their homes. In the olden days, the girl's morung (dormitories) where unmarried girls were made to stay together had trained and helped Naga women to shoulder social responsibilities and participate in public life. They had their role carried out for them under the system. Social activities of the girls' morung includes collection and giving of firewood etc, to the destitute families also. Participation in the digging of fresh water ponds for the

whole village in collaboration with the corresponding boy's morung appears prominent. There were separate morungs for both boys and girls in the Naga society. Morung was basically a club for youths in which they sleep in their respective dormitories. The Angami were perhaps the only Naga tribe in which morung was never prevalent. "The dormitory system was the very basis of a village's corporate life" (Singh 1972:75). In all the activities, the girls participate as members of girls Morung. But as time progressed and socio-religious changes took place in the Naga society, women adapted themselves to these changes without giving up on their traditional role. The dormitory system was long gone but the Naga women continued to participate in all the activities where her presence is required. Till today, majority of women in villages involve themselves in strenuous nature of works particularly in the shifting cultivation since agriculture is the mainstay of the economy. They help the menfolk in tilling, sowing, transplanting, weeding, harvesting and transporting the crops. They also attempt to grow cash crops. Thus, women play a vital role in maintaining the household affairs at the family level.

Every Naga tribe had its own unique traditional culture, customs, ornaments, other articles, etc, with varieties of colours, design, size and members. Each of them has significance relating to an important event. Creation and designing of traditional costumes have been done since long by women. It was and is still they who weave different types of traditional colourful clothes. Again, it is they who exhibit the typical costumes of their tribe more than their male counterparts. Very often a lady is known by the dress she wears. Yet, the weaving of her tribal costumes is not a guarantee that she will be of her original tribe because the society expects her to change her clan or tribe to the one she is married to. The choice is hers. Empirically speaking, there is freedom with regard to identity for a Naga woman.

Maitreyee Chaudhuri (2003) argued that the economic and political spheres are 'alien' spaces women have to enter; the 'home' is the 'natural' realm where women already exist. Similarly, for centuries, Naga women were never encouraged to involve in economic and

political spheres although they administered their homes. In fact, they have been accepting their subordinate position to their male counterparts. However, with the change in values which occurred due to education, modernization and globalization, the middle class women themselves feel the need to take their rightful place in the society in different aspects of life thereby change the old traditional beliefs of inequality of sexes. Here, I would like to point out that majority of Naga women are not against the whole traditional system as such.

Marriage, Inheritance and Wage Labour

The Naga people (Kabui 1996:10) follow the exogamous system of marriage. Persons of the same clan do not inter-marry and any kind of marital relations between them is strictly forbidden. Earlier, marriage-partners were determined by their parents and relatives of the clan. This desire is found among parents of all economic background and even the poorest father wishes that his daughter settles down to a life of economic prosperity. A noted anthropologist Christoph (1969:165) has asserted that pre-nuptial license varies from tribe to tribe. He writes that among the Angamis it is normal for a girl to have a lover, but the society is strict and the boy and girl are not expected to go beyond the reasonable limit of not involving in sexual relationship. The Semas guard their girls with the greatest care; the reason being that a girl fetches a handsome bride price at marriage and this bride price would be substantially reduced if she gets involved in a scandal. It follows as a corollary that offenders in this respect are made to pay heavy fines. The amount of fine would depend upon the social position of the girl's father and would also be in proportion to the girl's anticipated marriage price. The Ao society is comparatively permissive.

In the traditional Naga society, there was a sharp distinction between a married and an unmarried woman. Among some Naga tribes, the married women have their long hair plaited and knotted at the back, or sometimes flowing naturally over the shoulders. The unmarried women have their hair cut square in front, and brush down over her forehead nearly to the eyebrows (Hamilton 1983:152).

However, most of the Naga tribes shave the girl's head until she reaches the marriageable age. The idea behind this practice is that the girl is not expected to look attractive. On the other hand, her shaven head also indicates her virginity.

The Zeliangrong Nagas (amalgamation of Zeme, Liangmai, Rongmai and Puimei tribes) practiced a monogamous system of marriage and it is pointed out that the Angamis are also monogamous but the Semas, on the contrary, are polygamous and take many wives as they can afford. One of the wives, in that case, takes the position of head-wife, though she is not necessarily the first wife. Among the Lothas, a rich man may take a second wife. The man in the Chang tribe may have anything from four to six wives. The konyaks follow a double standard in this regard: the chief may have several wives and even the exogamous restrictions do not apply to him but the commoner must be monogamous. The Khemungan may have any number of wives. This is due to this strange marriage custom. A Khemungan boy, wanting to marry a particular girl merely tells his father, brother or other near relations of his choice. These people raid the girl's house one fine morning and abduct her. It is marriage by capture in the style of medieval Rajputs. The boy and the girl thereafter live as husbands and wife. There is no question of any dowry (Singh 1972:43). Women, after marriage live altogether in a different atmosphere, contrary to the life found in her parent's home. Women adjust themselves to the new atmosphere in the husband's family. In the Naga society, particularly among the Zeliangrong tribe, the joint family system is a regular feature. In a joint family, which implies common property, common residence and the like, the newly married women live with her in-laws.

Initially, women play a low profile role in the new family. They tend to comply with the commands of the elders and perform various duties of the household religiously. Assertion of their rights is not encouraged. Women, after marriage are curtailed from involving themselves in social activities to a great extent. After a lapse of many years when the parents of her husband no longer survive, the wife

definitely become the mistress of the house and assists her husband in administration of her family. In this stage, women share the responsibility of running the family affairs. She is bogged down with many duties to attend. As the husband is engaged in several external activities in the village and social affairs, almost the whole responsibility of the family falls on the woman. But, the conventional marriage practices discussed in the above paragraphs underwent certain significant changes due to the influence of the Christian religion and modernization. Marriage became strictly monogamous among all the Naga tribes. Incest is prohibited in the Naga society and they believed that incest produces monsters and idiots as emphasized by Robin Fox (1966) in his work "Kinship and Marriage".

In Naga society, women were not permitted to inherit any immovable property. "It had been stated that a man cannot leave real property to his daughter"(Hutton 1969:137). In the absence of any male children, the nearest kin always claims the property with the clan. However, all the moveable female clothing, basket, weaving-equipments and paraphernalia are normally bequeathed to her (Anal 1997:12). At times the parents bequest their daughters cows, fields, etc, on the day of their marriage but not necessarily as dowry. If a Naga woman happens to be a government employee before her marriage, she maintains the house. She may construct house or buy some land but, on her marriage, they belong to her parents or brothers. She gets nothing as per custom though she can receive gifts from her parents. Her own labour is gifted to her and not given to her as her share because she has no right of inheritance. The things brought by her to her husband's family during her marriage except for the materials adorning her body and clothings are treated as properties from then on.

According to the traditional custom, children are the common properties of both husband and wife. But when divorce takes place, the husband claimed their children to be his own and the Naga people prove it as justice since the society is Patrilineal. Yet, it is a fact that the children are the outcome of the common labour of both husband and wife. Divorce of any kind is a drawback to women. Since the mid

1990s, Naga women have decided to fight for their rights. It is interesting to mention that the Naga Women's Union-Manipur, took a firm resolution on divorce in 1994 during the conference at Ukhrul on 3-6 October. The Union states:

"It has been observed that whenever a divorce takes place, it is the woman who suffered more. A resolution was adopted that whoever (man or woman) divorce his wife or her husband, should leave the house and properties for the one being divorced (Resolution No. 2). Just as a woman forfeits everything when she divorces her husband the man must also forfeit everything when he divorces his wife. This is justice to both". The women returning to their parents' family after divorce are classified as widows. In this context, there is no distinction between a divorce and a widow among the Nagas.

An option is also open for the woman who is separated from her husband due to manifold reasons and who returns to her parents to re-marry of her choice. This is because the parents of the woman have a great concern for the unfortunate daughter that they desire their daughter be given in re-marriage if this would make her life happy and comfortable. On the other hand, in the Naga society, it is considered a disgrace to have a widow in the paternal lineage. Usually, a woman who has lost her husband and has become a widow returns to the home of her parents but if his relatives approach and request the wife of the deceased to come back to their house as widow with her children, the parents of the woman readily concede to the request without pressing for the withdrawal of the marriage bond. Thus, they agree gracefully to rid their family of the presence of widow (even if it is their daughter). And it is important to note that; widowhood was not regarded as inauspicious or evil.

Today, Naga women are aware of discrimination against them in inheritance rights and during their (Naga Women's Union, Manipur) assembly in Ukhrul on 3-6 October, 1994, they adopted a resolution on this property inheritance issue— "resolved to demand for equal right of inheritance of family/parental movable or immovable properties for both male and female (Shangkham 1995:17). The women who lived

in the villages spent most of their day, economically providing for the family by gathering food, selling goods in the market place and collecting firewood. Women who also work in the fields are discriminated even in the payment of their wages. The Naga view of a woman is that, she is considered to be weaker than man in physicality. Due to this belief of the Naga people that women are weak, they are given lesser wages. Naga Women's Organization felt that such practice brings injustice to women and they passed a resolution by calling upon all the Naga communities to ensure that all the women are given equal wages with men for equal work (Shangkham 1995:18). In this globalize era, the Naga women have began to question the oppressive social customs and tradition relating to unequal wages, divorce, inheritance and customary laws.

Considering the Naga women's struggle for equality, it's appropriate to connect the work of Cynthia Enloe (2004) who scrutinizes the effect of globalization on women's labour and wage ratios in her book "The Curious Feminist". Further, she examines the role of women in the consumerist markets, conflicts at the global level, and power politics, and also reveals her specific interest in linking these themes to women's everyday lives. On the other hand, Vivian Price's (2008) found that in the mainstream Indian society, women in construction work prefer their work, even if it is low paid, precarious and exhausting, to agricultural work (it pays better and is less isolating) and to domestic duties (it has less social stigma). Interestingly, Vivian Price advocated that advanced technological revolution is not going to bring about an answer to the problems of poverty encountered by poor women, if not scientific changes are grounded in a better context of sustainable development and political empowerment.

Naga Women in Politics

The apex political body of the Naga community is the village council. Each village forming a republic empowers the citizens to participate in every decision making directly or by their representatives who are elected in the best possible democratic manner through rising

of hands or voice votes. All decisions are being taken on the basis of consensus through the participation of every male member. Hence, every male member feels personally associated with a strong and vibrant sense of belonging in the community life, no one feels alienated (Niumai 2003:25). But, majority of the Naga women were debarred from political activities. In rare occasions, women would approach village council whenever they have a complaint and also to give witness for or against any case in the village court or council. But, in several accounts, Yonuo (1979: 11) asserts that Naga women were not allowed to enter councils where men gathered to discuss political and inter village issue. Thus, we see a constrained sphere of Naga women's participation in the political aspects. For all practical administrative purpose, the khel (sub units) is the basic political unit in the Naga society. The khels in a village united during times of war, to stand together against the common enemy and celebrate feasts together. For most purpose, however, the social unit is the khel (Mills 1973:176).

Here, it is important to mention that inspite of the constraints and difficulties faced by Naga women in their political involvement, a countable number of them emerged as staunch political leaders. For instance, Rani Gaidinliu became a legend in her lifetime due to her fearless fight against the British. From 1925 onwards, she started to struggle against the British rulers in order to free the Nagas from the suppressive and exploitative foreign administration. Mr. Jadonang who revived and reformed the Zelianrong religion and started the "Heraka cult" by amalgamating the tribes viz: Zeme, Liangmei, Rongmei and Puimei led her. Today, this cult-group is associated with the RSS, VHP and the BJP. The other prominent Naga women politicians includes Mrs. Rano Shaiza, a niece of the self exile rebel Naga leader A. Z. Phizo who contested in an assembly with the then Chief Minister (Maitra 1991: 60). Besides, Mrs. Valley Rose Hungyo also contested in the Parliament election of 1989 and Mrs. Hangmila Shaiza contested victoriously in the Manipur State Assembly election in 1990. But, unfortunately she was not given any portfolio in the ministry. So, years of development and progress till now have not resulted in a Naga

woman becoming a cabinet minister.

Few women activists are giving efforts to raise their voices through voluntary organisations such as Naga Mother's Association (NMA) and Naga Women Union (NWU). They also co-ordinate with the Naga people's Movement For Human Rights (NPMHR), the Naga Students' Federation (NSF) and the Naga Ho-Ho (the federation of Naga tribe council), to strengthen the peace initiative of cease-fire between the Government of India and the National Socialist Council of Nagaland (NSCN-Isaac-Muivah). Regarding women's involvement in politics, a few years ago, 33% reservations for women in the election was proposed in Nagaland but Naga Students' Federation (NSF) which is one of the prominent Youth NGO based in Kohima opposed by arguing that "Nagas are a distinct race and the role and status of women in Naga society is also peculiar". Hence, they mentioned that the 'Naga customary practices and traditions require to be protected for some more time'. They also claimed that women in Naga society are not clamouring for such kind of empowerment. As such, some women associations supported them. Thus, both the gender are involved in preventing women from questioning old practices and send-across the message that 'all is well and there is no need for a change'. Women's contribution could challenge existing patterns which were often one-sided and male dominated. Women's needs and perspectives should be prioritized.

Naga Women in Religion

Traditionally, Nagas are religious people though they did not have a name for their religion. They live close to nature and sense its mysterious powers in the belief of the existence of a single supreme God, benevolent spirits and malevolent spirits. In the practice of the traditional religion, no women could perform any ritual for the village as a whole even though she could perform religious rituals as an individual. The supreme God or deity was addressed reverentially as creator and sustainer of the universe. The Liangmei Nagas (Zeliangrong) refer to the benevolent God as 'Tingwang' or 'Arapiu' and

believes that his abode is in the sky. He was worshipped affectionately and was perceived as a loving and benevolent protector who sustains life. Special sacrifice is made to the supreme God with gratitude and women hardly participated in such sacrifice at the village level. Besides the supreme God, the Nagas also believed in the existence of ancestral spirits, village deities, household deities/gods who were benevolent spirits. These deities or spirits were worshipped with reverence and offered sacrifices with food and drinks. They were believed to be the guardians or spirits of the villages and the households. The malevolent spirits harm human beings and bring sickness, deaths and other natural forces like storms and floods, landslides, fire, earthquakes and other unnatural phenomenon. The malevolent spirits were not worshipped but in order to propitiate or appease them lest they do harm, animal bloods and drinks were offered by spitting on them to show their contempt for the spirits. All the Naga tribes believed that there is an unseen divine power behind the creation, behind the course of event and behind the destiny of mankind" (Husain 1994:51).

The festivals, rites and rituals of the Nagas were associated with the agricultural cycle. All the sacrifices, offerings and the libations were made to God during the religious festivals either for the blessings of the bountiful harvest, good health, prosperity and well being of the people or to ward off natural calamities such as pest, epidemics, famines etc. In all the family rites and rituals, to propitiate the household deities, the ancestral spirits and the village deities or the supreme deity, mothers' performed almost all the rituals. It is the 'mothers and the grandmothers' who instill all the significant details of religious rites and rituals in their children. It is the mother's spirituality that the children take after. It is through the religious fervour of women that social fabric of the Naga society is kept knitted for it is the women who impart intrinsic religious values such as love, compassion, truthfulness and honesty which are imbued in the persona of the supreme as perceived by mothers (Pamei 1996:32).

However, some tribes keep a sacred place for performing ancestral worshipped in which no widow is permitted to participate.

Thus, inequality even in religious matters is maintained. Based on this practice, it is earlier believed that only men should take up the religious leadership. Regarding the traditional sports like wrestling among the Zeliangrong, Angami and Chakesang tribes, women are prohibited to watch as it is considered an ill-omen for the men-folks of this family-clan. To a certain extent, Christianity upholds gender equality. However, even in the contemporary Naga society, there is an instance of a man being the secretary for women's association. This example proves that inequality even in religious matters was maintained. Earlier, it was believed that only men should take up the religious leadership. This situation has however become a thing of the past among some Naga tribes because women have taken up the leadership positions in the church. At present, few Naga women were ordained as deacons in the church. According to the Christian doctrine, all are children of God and are equal before him. Yet, the male dominance in religious matters is not absolutely absent in the Naga society (Shangkham 1995:18).

In the days of head hunting, the Naga villages were in perpetual state of war with each other and an atmosphere similar to the one experienced in the modern days during emergencies, prevailed throughout the year. Heads were required in connection with several religious ceremonies. Whenever a chief's house or Morung or such similar abodes were being built, a head was needed to appease ancestral ghosts. It was believed that the presence of a human head ensured good crops, fertility in women, good luck during hunting and general well-being and prosperity for all. Not only in this life but even in the life to come the cutting of heads paid dividends. A woman's head was regarded as a more valuable trophy than that of a man's. There was a variety of reasons: women were always given the maximum protection by the village folk, and taking a woman's head meant penetrating deep into the adversaries ranks with all its concomitant risks. Possibly there was the desire to reduce the enemy population by killing their women folk. Yet, another reason could be the desire for women's hair, which was used for ornamental purpose. However, all heads were prized equally whether belonging to male,

female or infant provided the child's tooth was broken. The practice of head hunting was bound closely with religious life of the Nagas (Horam 1997:88). Whatever might have been the initial effects of abolishing head-hunters by legislations the Nagas abandoned it and now it has become a part of their history. Head-hunting is also prohibited by the doctrine of Christianity.

Today, youth failed to find an outlet for their excessive energy and high spirits. There is a distinct period of growing restlessness, which simmered down to apathy and threatened the disorganization of the Naga people. The vacuum was however successfully filled by the Christian doctrine which gave a new meaning, interest, and impetus to the head-hunters. But, when the people failed to embrace it in its true spirits they continued to be restless. The earliest Christian pioneer who walks among the Nagas was the American Baptist missionary, the Rev. Miles Bronson. He taught the Naga people Christianity and the art of cultivating tea from about 1842 to 1852. Another Baptist missionary, the Rev. E. W. Clark was able to win few converts. In 1851 the first Ao Naga, a villager from Merenkong was baptized though he was later killed during a visit to his village in a hostile attack. However, in due course the numbers of converts increased and schools were established by the missionaries. Christian endeavour or societies were organized and an attempt was made to harness the youth. The significant instrument of conversion was education. The starting of a school around 1876 at Molung in Nagaland by the Rev. E. W. Clark could be said to have been the beginning of educational work among the Nagas by the Christian missionaries (Singh 1972:166). Girls were also encouraged by the missionaries to seek education. The primary purpose of establishing schools was to teach them the art of reading and writing so that they could read the Bible and Hymnal. Consequent to the expansion of their knowledge and awareness due to education have opened up possibilities for Naga women to go out of their homes to realize their aspirations through social and voluntary organisations.

The growth of Christianity among the Nagas has been phenomenal. The impact of Christianity on the social religious life of

the Nagas can be observed both at micro level as well as macro level. Life in Naga society began to revolve around the institution of the church. Gradually, women seem to be empowered through education and they were even allowed to participate in the church worship and administration. The church is comparatively faster to imbibe women into their fold of leadership. For instance, The Christian Revival Church, Kohima village (One of the largest village in Asia) has ordained a woman as a minister. Besides, few other women in various churches were also ordained as deacons and leaders. Over the years, the degree and level of the participation increased rapidly. It is observed that they organized seminars, workshops and also formed women associations to harness social evils and to examine social concerns. Theoretically, society upholds the dignity of women and has given significance to the concept of motherhood. Christianity also offers several role models for women than that of wife and mother. But, they are given a secondary role in the church, home and society. Till today, in many churches, women are not encouraged to deliver a sermon, solemnize a marriage ceremony, minister in a burial ceremony and to be ordained as a pastor. Women are kept from being fully integrated into the major roles of spiritual, social, political and economic life of the public. As such, we need to partly blame women and not throw stones only at men because majority of women are not favourable for a change.

Changes of Naga Women and Voluntary Zefforts

The swift acculturation has created an evolutionary crisis and the task now is to ensure that the best of the old does not disappear in the zest for the new. The Naga society has many striking features, and it should be our endeavor to preserve them. A new faith or economic prosperity would lose all meaning if the culture and tradition of Nagas are completely forgotten. Some adjustment would be necessary and they must be made, but to bury the past would be a blunder. A balance should exist between the old and the new, between stability and change (Singh 1972:77). In the context of women, they

tried to juggle domestic chores, job demands and community service. However, she often feels lonely, overburdened and her gifts unappreciated and undeveloped.

I would like to assert that the Naga society in the past was a simple one confined mainly to the village in which women played their sub-ordinate role assigned to them completely in the political and religious affairs. Women manifested their simplicity and ignorance but the whole social set up has undergone a huge transition in the present society. Women's life does not confine absolutely to villages alone, as the village society has transformed into a complex one. We cannot ignore the fact that this world is indeed becoming a global village. Change is a natural phenomenon and it is an inevitable part of our human existence. Effort must be made to carefully monitor certain unwanted social elements which possess as a serious threat to the society.

Considering Margaret Mead's argument that every time we liberate a woman, we liberate a man, Naga women in the contemporary society, are found in all walks of life whatever their positions are. The women based voluntary organizations (NGOs) such as Naga Mother's Association (NMA) in Nagaland and Naga Women Union (NWU) in Manipur have been focusing on women's issues and they deal with social evils like alcoholism, prostitution, drug-abuse and the like. One of the most challenging roles that these women organizations play is their involvement in the political dialogue between the Government of India and the NSCN (I-M) since the past decades. The Naga women were not demanding a reversal of position but desire for a balanced society where both sexes are treated equally. It cannot be denied that the contemporary women are gradually undergoing attitudinal changes which allows them to be complacent and luxury loving. It is said that the number of girls in schools and colleges as well as the number of office going Naga women have increased considerably over the past decades.

It is interesting to note that Naga women have been very active in various social organizations. Since majority of the population of Naga people are Christians, it is not surprising to see that most of the

women's organizations have started as religious organizations, In Nagaland; the biggest organization is the Naga Baptist Women's Association which started in the early fifties. There are other cultural and social organizations like Naga Women Federation, Naga Women Organization, but these organizations at present are not functioning actively. Most of the women's organizations are invited by the educated sections of the society and it is heartening to note that women's education has given the opportunity for girls to become economically independent and this has encouraged girls for higher education. The Nagaland census 1971, has a population of 516,449 out of which 240,365 with males accounting for 34.42% and females only 19.21% in literacy (Meru 1975:20). Comparatively, things have changed since 1971. According to the Census of India 2001, the total population of Nagaland has increased to 1,988,636 out of which 1,041,686 are males whereas 946,950 are females. The literacy for the total population is 67.11% with males accounting for 71.77% and females 61.92%.

With the growth of literacy rate, some women are employed in the modern jobs which enable them to move out of their homes, express their views, exchange their problems and evaluate their position vis-à-vis men, in many areas of life. They began to give up jhumming cultivation because of their jobs and the awareness regarding consequences of shift and burn cultivation. Thus, women gradually became conscious of their position in society and they feel the urge to do something about it.

Impact of Globalization on Naga Women

We cannot ignore the fact that this world is indeed becoming a global village. Change is a natural phenomenon in which social scientists have to carefully study. The impact of globalization on Naga women can be categorized in the following ways:

(1) Gender Discrimination

Globalization with the growth of science and technology has not enhanced the status of women in general and Naga women in particular as some claimed it to be. The idea that globalization stands as a

landmark to gender equality is simply a myth. We have been observing that our contemporary society continues to be highly stratified and women as the marginalized ones are still exploited. It is disheartening to realize that women constitute almost half of the total population but they have a long way to achieve equality in socio-economic, political and religious spheres. Several legislations were made by the government to safeguard and promote women although the reality tells us a different story. The treatment meted to women in some households, institution and public places reveals the prevailing discriminatory image and attitudes towards women in the society.

The appreciation of distinctiveness is of significance to women in a globalize world. It is essential to point out that, economic conditions of women do not help them drastically in climbing up the social ladder. The process of globalization has an effect on the Naga women in a certain way as few cases of domestic violence are taking place on a daily basis. It also reminds women that the safest place for them is in a vacuum because they are vulnerable even inside their homes. It is a manifestation of unequal power relations, which has led to men's domination over and discrimination against women. The basic reason for violence against women is their inferior status in a male dominated society.

(2) Feminization of Poverty & Employment

The past years have demonstrated the feminization of poverty. Cultivation land has also become a crucial issue with an introduction of cash crops and local markets into subsidies economies as it alienates the Naga women out of the decision making process. In the context of feminization of labour force, it is observed that women's employment has increased slightly even in the Naga society. A few intellectuals have perceived it as a break through towards the empowerment of Naga women. However, several people argue that majority of Naga women are still working in the fields and involved in low skill jobs. Besides, they have been receiving lower wages than their male counterparts as argued by the Naga Women Union (NWU).

Some young Naga women are also recruited in the Call Centres (BPOs) in various metropolitan cities. But, most of them work in the night shifts so their health gets deteriorated. Ironically, none of the Naga women employed in the Multi National Company (MNCs) are holding Chief Executive Officers (CEO) position till today. Globalization is perceived as a means of capital accumulation wherein women are recruited in preference to men since they are cheaper. Globalization has not changed the gender division of labour.

(3) Consumerism

Trade relations (both legal and illegal) through international borders in North East India via Moreh town (one of the business centre in Manipur) and Tamu town (Myanmar) have enhanced economic activity and commercial business to a certain extent. The collaboration between the border international markets (particularly based in Myanmar & Thailand) and the local markets in Naga society has attracted especially the women folk to cultivate the habit of consumerist culture which is alien to their traditional culture. The markets are slowly dominating Naga women's lives in an unimaginable manner.

It is essential to point out that prices of goods in the local markets of Naga society are extremely reasonable. For instance, one Naga lady pointed out that a few select items are cheaper in Hongkong market of Dimapur (Nagaland) as compared to Bangkok (Thailand). The varieties of goods in Hongkong market, Dimapur comes from the neighboring countries of South East Asia and it provides to consumers at a reasonable price. Besides, the cross-border movement (both legal and illegal) and social mobility have attributed to enhanced consumerist culture. The discourse showed a changing attitude towards Naga women. Thus, today's market in the Naga society is flooded with goods in attractive packages ranging from Pepsi, Ice tea drinks to fresh juices and from canned & frozen food items to black-earthen rice cookers (made by Tangkhul Naga tribe in Ukhrul district of Manipur), from genetically modified foods or high yielding varieties of crops to microwaves and fully automatic washing machines.

Interestingly, both electronic and print media portrays an image of a global woman as someone who can buy as much as she desires. The introduction of various Bank ATMs and credit cards makes a few elite Naga women more vulnerable to purchase goods. The buying habits and the consumerist culture of Naga women have drastically changed over the past years and have affected their lives. The accumulation of sophisticated mobile phones, i-pods, televisions, DVDs, refrigerators, gold jewelries, branded western clothes, latest designer gadgets, equipments, cars and other goods enhances the status symbol in the contemporary Naga society.

(4) Lifestyle, choices and attires

Imported dresses, branded foreign cosmetics, western rock songs and beauty pageants have affected Naga women's lives of all ages. Today, an ideal Naga woman is a person who has beauty with brains. The Miss Nagaland show has become a festival that makes the majority of young Naga damsels' dream of fame and little fortune overnight. It serves as a platform for these young Naga women to be in a glamour world both at the local and regional levels. The beauty pageant is making Naga women very conscious of their body, to stay slim and ensure zero size. These beauty pageants are however, criticized by some concerned individuals who raised a question as to why exposure of beauty in a western style is considered as an important asset in the Naga society? They considered the pageants as a method which is not a viable mode of Naga women's empowerment.

The other events such as Flower show contest portray modern Naga women as someone who is conscious of promoting natural beauty and enhance environment. One of the important impacts of globalization is that, younger generation prefers to shun wearing Naga ethnic attires at homes, colleges, work-places or markets. The hi-tech fashion which changes dramatically and the pressure on Naga women to keep up with it has become an issue of psychological harassment for some of them. In other words, it has been observed that Naga women make personal choices in terms of food, dress, etc. Maitrayee Chaudhuri

(2000:27) states that a piece of 'women at home' initiates the discussion by suggesting that 'dressing for work must rank high in the list of life's arduous - but - inescapable chores.... A dilemma', but suggests that better days are here now. Western attires are perceived to be more liberating and the consequence is a shift from khadi handloom materials to global branded clothes.

Another effect of globalization in the life styles of Naga women especially the home makers (house-wives) is the way cable TV manipulates their time with different types of serials such as "Desperate Housewives" in Star World channel. Traditionally, Naga women are known for their hard-working nature. But, many of them seem to be hooked to television. Thus, Cable TV has become a kind of refuge for several Naga women who reside particularly in towns or urban areas.

(5) Roles of family

The effect of those working Naga women falls on their children as they tend to work in the evenings. Children are deprived of spending a quality and meaningful time with the parents. Due to a fierce competition among middle class families for maintaining the standard of living, some of the earlier house-wives are taking up jobs to support the financial aspect. Globalization drives women to come out of their houses and enter into few job markets available.

Today, some of the elite Naga families have maid servants or helpers although such practices were not prevalent in their traditional culture. With servants and time saving electronic gadgets, elite and upper middle class Naga women are able to perform both the domestic chores and office work simultaneously. This has changed the role of women in family. At present, the question on changing roles of males and females is part of the public and family discourse. Increasingly, some of the husbands are seen to be helping their working wives in dishwashing, cooking or putting clothes in the washing machine. The notion of family is continuously changing adapting to the reality of urbanization, modernization and globalization.

(6) Tourism

The region inhabited by the Nagas has limited facilities and services which needs to re-frame the existing state tourism organizational structure. One of the main reasons that hinder the tourists to visit the land of the Nagas is the Inner Line Regulation which prohibits entry to any outsider to the area without permits. Another constraint is due to the Restricted Area Permit (RAP) for a foreigner which was implemented by the Central Government since 1958. Globalization has not really facilitated the number of tourists in Nagaland. However, the process of globalization and promotion of tourism would facilitate a space for prostitution and trafficking of Naga women. Naga culture and tradition prohibits such practices but due to globalization, Naga women seem to be susceptible to suffer more as compared to men. Considering the prevalent condition of globalization and Naga women, it is important to mention the views of Cynthia Enloe (2001) from her book "Bananas, Beaches and Bases: Making Feminist Sense of International Politics" wherein she explores the experiences of women from the developing countries who have been toiling in banana plantations, garment factories and the growing service sector such as tourism including sex tourism and household works (like nannies and maids) for the elite families of the developed nations. Enloe argues that a number of debt-ridden developing countries, with recommendation and support from international donor agencies have begun to use women's bodies, sexuality and emotions as an important source to wrestle in the international competitive market.

(7) Women's health

The policies of the Family Welfare Department are geared to control women's fertility. The response of the government to the important subjects of hazardous contraceptives entering the market and being tried and tested on women has been equally irresponsible. Quinacrine is given to women to sterilize, but a small number of the women who consumed the medicine are found to developed breast cancer and abnormal bleeding. There are a whole range of policies

targeting women's reproductive health. Earlier, menopause was treated as normal but the pharmaceutical industry has defined it as a disease now. Currently, majority of the Naga women are forced to turn to private health systems or clinics that are often very expensive. Generally, the right to health is even more important for women. However, both choice and access are often denied to them although a huge portion of the government budget is spent on family planning.

(8) Bio-diversity

Naga inhabited areas are rich in bio-diversity. The natural resources and forests are indeed the life-support system of the Naga tribes. However, globalization would slowly pave a way for the multinational companies (MNCs) to enter the Naga society and exploit to a tremendous exhaustion of bio-diversity which will culminate to the lose of their natural resources and livelihood. Globalization may lead towards the road to bio-piracy and it would also attempt to patent the Naga tribal medicinal and aromatic plants, bamboos, herbs, flora, fauna and knowledge, which are a dangerous global phenomenon. Globalization may also affect majority of Naga women who were involved in agro-forestry or agro-industry by letting the MNCs penetrate into Naga society. It is possible that globalization would affect women's work and activities by pressurizing them to move out of their traditional hearth and fall prey to MNCs.

(9) Communication

A wider communication and connectivity definitely enhances sharing of ideas, skills, knowledge, goods and services. However, one of the negative aspects of wider expansion is the exploitation of indigenous culture and infiltration of alien cultures which serves as a threat to the Naga customs, values and tradition in particular. The cable T.V. facilitates oversea channels such as Arirang, a Korean channel which has popularize the culture of the Korean youth among the Nagas with regard to hair styles, dress patterns, cuisines and the like. Thus, acculturation of cultures is a rampant phenomenon. Undoubtedly, maintaining ethnic identity is of utmost significance in

the globalised world. Hence, there is a need to carefully examine the impact of globalization and formulate policies to tackle the problems.

Conclusion

A huge section of Naga women of the total population are not too conscious of the effects of globalization although some of them based in urban towns has been affected. Considering a few number of Naga women undergoing abortions and the preference of boys over the girl child bring to our notice that though globalization has change the garb into a more fanciful one, women are still the sufferers. Globalization has been designed by people and can be reformed by people. The important question is 'How can it be made to work effectively for poor minority women'? One answer could be, if policy-makers have the will to listen. Even if little progress has been made, it is still difficult for women to combine the obligations of work with those of family, child rearing and domestic chores. The impact of globalization on women is tremendous as they suffer most from the social and employment sectors.

I would like to finally conclude by stating that consequent to the expansion of their knowledge and awareness of social issues, globalization have opened up possibilities for Naga women to realize their aspirations and dreams. It has also been observed that some of the literate Naga women have accessibility to technology such as internet, media and the like and they have been utilizing its' potentiality. Therefore, if women's involvement in technology and participation goes at this trend and if their rights and equalities are registered ensured and properly implemented, women's status in the Naga society may change further for a better in the near future and bring about gender equality. It's pertinent to emphasize Margaret Mead's citation that every time we liberate a woman, we liberate a man. The need of the hour is to build networks to advocate for gender equality and the needs of Naga women. In such a scenario, Naga women should be active participants rather than passive listeners. ■

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RIGHTS VIOLATIONS AND WITCH-HUNTING CASES

Kula Saikia

One has witnessed the emergence of groups of human rights activists campaigning for the rights of select groups of people who are the targets of violations in specific geographical localities. Their campaigns are basically concentrated in the affected areas for raising public sympathy for the victims. The issues of interests in these cases are mostly relating to forest dwellers rights, civil liberties of displaced people, women's rights, rights against environmental degradations in the name of industrialisation, mining etc.

These rights movements have gone beyond the agenda of custodial violence alone. Some such movements relate to the causes of displaced persons due to construction of large dams in multi purpose projects. This type of project displacement has caught attention of the right activists in several parts of the country. The whole issue of taking away the cultivable land for setting up industries, high ways or undertaking mining activities has been being debated at different platforms by experts. While some analysts have seen it as a necessary step for any forward movements towards industrialization which requires land as one of the necessary factors of production, others have questioned what constitutes the very notions of development. The questions raised are in terms of the quantum of compensation to the farmers from whom the land is acquired on the basis of a transparent

and broad based compensation policy. The issues of rehabilitation assume prime importance here. The right activists lead the protest movements directly involving the affected people in protest demonstrations, formation of human chains, sit in strikes and other popular tactics. In these cases, displacement per se has become the single most human rights issue apart from the alleged inadequacy in rehabilitation process and the resultant gross poverty amongst the displaced people. There are attempts also to high light the insufficient attention being paid to important factors of ethno -cultural and community identity and the rights that one would derive there from. Similar questions are being raised also in cases of displacements as a result of widening of cities and urban limits to tackle the growing density of population. Though there are some who argue that continuous and unabated growth of urban areas necessarily demand more and more land in the vicinity, others are of the opinion that the process has to ensure empathetic rehabilitation mechanism for the these people while displacing them from their land.

A very interesting development in human rights movement in recent times has been the attention drawn towards the issues of rights over forest resources. The forest dwellers rights to reside in forests, and over the forest produce have been highlighted in various movements because general belief is that only these people who know the forests could only conserve these. Therefore a strong opinion has been gaining popularity today that these people who know the terrain and the trees having the traditional symbiotic relationship with the forest can only claim a right on these . There have been instances of simmering conflicts in several areas which have the mining potentials in cases of precious ores and minerals. The social activists have been claiming better share of these natural bounties to the dwellers of these areas and also other human rights issues like better rehabilitation and compensations. Some cases of active form of protest movements by the affected people and the social action groups have come to notice.

The other example of rights of displaced people relate broadly to the displacement of the inhabitants because of internal conflicts.

These internal refugees are the result of forced or voluntary migration of large scale of people away from the violence affected areas. Lot of human rights groups have been active in demanding the rights for these people for their resettlement and alternative economic rehabilitation. Return with honour and full protection back to their native land have been also the demands of these people affected by communal disturbances, ethnic conflicts and terrorists violence leading to large scale displacements.

In the above instances of rights' struggle, it is observed in recent times that there are also attempts by these multifarious groups at creation of proper social networking amongst themselves so that any possible conflicts among the right seekers are resolved for the benefit of the movements. This is because in a number of instances it is not uncommon that rights of different groups of people are found to be in conflict with each other depending on issues under consideration. However once the common thread is discovered for creating bridges across multiple voices so as to cater to the need of the special set of people who are the first ones to have faced the brunt of violation of human rights the protest movements get strengthened. In the midst of conflict of interests, there is a co ordinated effort by the leaders of movements to prioritize the rights that would take the precedence over others. They would encourage the different stake holders to come to the common platform of protest and raise their voice together. This tactic has helped the advocacy campaigns by taking care of the interest of the multitudes of disadvantaged people.

The purpose of the paper is to draw attention to the violation of human rights of select people in the name of witch hunting. The superstitious belief of witches has been a perennial problem leading to severe form of violation of human rights in a number of states in the country. This is known by different nomenclatures in different places. While in Assam this is known as Daini system of witch craft, in Chhattisgarh, one would call this as Tonhi. Very often a woman (even a male folk being branded as a witch is very frequent) is said to be a Daini or Tonhi by the members of a community. It is accused that that

the woman or man branded as witch is the cause of all ills in the community. She is falsely implicated as the one responsible for spreading deadly diseases that are afflicting the common people, especially the children. A concerted game plan is made to insult, humiliate and inflict mental and physical torture on the woman branded as a 'witch'. There are cases when such a 'witch' has been socially ostracized and publicly allowed to suffer from wounds. The tendency to put the blame on women for any natural or other calamities, including medical urgencies or epidemics that befell a village shows how superstition or social prejudices play a decisive role in this matter.

Most of the time it is seen that the trauma of the victims of the witch hunting incidents are unknown to the outside world. Lot of these incidents are not even reported in the media. Even if they have a place in some corner in the news paper pages, these reports are published after considerable lapse of time and without details of the entire dynamics of the incidents. Sometime even there are erroneous reporting of events. There is general apathy amongst the public to the extent of even not paying attention to such news items which in fact contain instances of gross violation of human rights. Similar is the situation while one talks about actions through law enforcement agencies against such hair raising incidents. In most of the cases the first information of such occurrences reaches the police stations after considerable delay. This is due to the fact that the places of occurrences are normally far away from the local police station and there is very pathetic communications systems to these places which are mostly situated in inhospitable terrain. Even if police come to know about such incidents and register cases for legal actions, there are lots of hurdles to investigate these cases. Since a major chunk of the community members participate in the crime and become its perpetrators, they are unlikely to provide evidences in the crime for its logical end. Moreover the village members are reluctant to come forward to assist the police force during the investigation process for fear of retaliation by others. All these loop holes affect the final result of the case and justice is either delayed or thwarted.

The minority voice against the so called community decisions to identify and brand some fellow members as witches is either not heard or not allowed to come out. As a result the potential resistance against the disastrous decision of some of the powerful voices for various reasons actively is aborted. These hurdles in investigations process are being sought to be overcome through promulgation of new legislations in some of the states in the country.

However detection of such crimes and the criminals are not the only means to look at the problem of human rights violations in witch hunting related offences. There is need for strong community members to come together to create awareness against this menace. The different stake holders of the society have to come together to create awareness against the gross violations of human rights. Some of the incidents such violations do not come to light, these are not in the form of killings or visible physical torture but these are in the realm psychological trauma or humiliation that go undetected in the society. The victims in many cases are thrown out of the community, ostracized from the society or not allowed to participate in the community programmes in the village. There are several instances where the victims are expelled from their houses and ancestral land and thus compelled to stay from their family members and the village. Taking help of the victim's forced absence from the property, miscreants very often grab opportunity to claim illegally rights over it.

In certain instances the village priest who are called to "identify" the witch, very often demand illogical tests and proof from the victims to prove their innocence that they are not the witches or people possessed with black magic. Lot many times these so called "tests" are atrociously cruel and inhuman. But as most of the community members have developed prejudices against the victims, it is a meaningless exercise for the latter to try to convince them and others who are already united against the helpless victims. Very often the influential people of the village play a crucial role in such matters.

Thus the menace is not confined to a particular family or two as such but it affects the entire village community in select villages. There-

fore in essence it can be termed as a social problem which is to be tackled at the societal level with collective participation by the members of the society. Different stakeholders in the society including the administrative and law enforcement machinery, development agencies, NGOs, youth clubs, Mahila Samities and Science Clubs would have to come in a common platform to address the the problem of witch hunt related offences. Spread of education would definitely help in mitigating the negatives and the humiliating components that put women in bad light in the traditional practices and beliefs. Lack of modern health care and medical facilities in these affected areas is one of the prime reasons for the prevalence of belief in black magic.

There is no doubt that the witch hunting incidents invariably involve gross violations of human rights. The victims are mostly found to be the innocent women though there are cases of male folks being tried for alleged practicing of sorcery and black magic, supposedly responsible for all the ills in the village. However there is less awareness to this form of rights violations of people in select areas and within select communities. To bring all these issues to light and to attract the attentions of different stakeholders in the society for a strong resistance to this kind of human rights violation, a number of strategies are being suggested by the rights' enthusiasts. The help of media may be taken to focus on the whole gamut of issues relating to the social prejudices. It is seen that media reporting on the subject matter leads to creation of a team of sympathizers who gradually play a pertinent role in taking the awareness movement forward. The on field media reports help the victims to campaign their causes. Formation of a fact finding committee and the visit to the affected people by the committee members for a first hand experience of the issues are being used as another mechanism to get to the problem areas.

The idea behind narrating the various tactics of creating awareness amongst the people is to draw attention to the issue of mobilizing the public support against the violations of human rights in the name of black magic prevalent in some of the interior rural areas amongst some communities. The advocates of rights must also talk of special

programmes for these victims of systematic cultural prejudices and social violence persecuted as witches. Nobody can deny the need for a scheme of well thought out special measures for the rehabilitation of such victims in the community. ■

(Note: Shri Kula Saikia, the author of the paper has been a well known crusader against the witch craft related violations of human rights. He has earned high appreciation through his initiative of "Project Prahari"- a community development and policing project launched in August 2001 in backward tribal districts of Assam to fight against social prejudices and delinquencies like practices of witch crafts and black magic. — *EDITOR*)

IMPACT OF CONFLICT ON WOMEN IN ASSAM

Ratna Bharali Talukdar

The last three decades of Assam's history is the history of endless conflict situation. The armed struggle by a number of insurgent groups, the counter insurgency operations by security forces to curb them as well as series of ethnic clashes in the plains and the hills have virtually turned the entire state into a conflict zone. The causes behind these ethnic clashes and endless riots can mainly be attributed to perceived identity crises as well as migration of people within the state and across the inter-state and international boundaries of the state.

Among the major militant organizations the United Liberation Front of Assam (ULFA) is fighting for what it describes as "restoration of Assam's sovereignty" for the past three decades ever since it was raised in 1979 and was rooted in the anti-foreigners agitation spearheaded by the All Assam Students' Union(AASU) and the erstwhile All Assam Gana Sangram Parishad (AAGSP) and grew on the premise that Assam has been meted out step motherly treatment by New Delhi and armed struggle is the only means of "liberating" the state from "colonial occupation by India." The spurt in insurgent activities by the ULFA prompted two full scale counter insurgency operations by the Indian Army-the operation Bajrang and operation Rhino in synergy with Assam Police and central paramilitary force that intensified the conflict which resulted in loss of lives of thousands

of civilians, security personnel as well as ULFA cadres, left many young women as widows, orphaned many children, hundreds of people maimed for life and endless conflict taking a heavy toll on the state's progress as it brought the developmental activities to a standstill and scared away investors while corrupt bureaucrats, politicians, contractors, businessmen found ways to exploit the situation to loot public fund.

The Bodo dominated areas of lower and northern Assam has been witnessing insurgent activities since later part of eighties that stemmed from the Bodo nationalist movement which manifested in the form of a powerful statehood movement spearheaded by the influential All Bodo Students Union (ABSU) in 1986. As the over ground statehood movement was intensified a parallel underground armed movement was launched to press for statehood by the erstwhile Bodo Volunteer Force. This militant outfit came over ground when the first Bodo Accord signed by the ABSU with Delhi and Dispur brought the curtains down on the six year long statehood movement in 1993 and led to creation of the erstwhile Bodoland Autonomous Council(BAC). However, failure on the part of the government to implement the Bodo Accord led to revival of the statehood movement by the ABSU in 1996 while another parallel underground movement was launched by the erstwhile Bodo Liberation Tigers(BLT). Another insurgency grew among the Bodos since 1986 with the formation of erstwhile Boro Security Force on October 3, 1986, in Udalguri town near the foothills-of Bhutan, with a declared objective of launching an armed struggle against the Indian state for the creation of a "sovereign Boroland". The Boro Security Force was re-christened NDFB in 1993. The revived armed struggle for statehood movement and NDFB's insurgent activities for a "sovereign Boroland" not only led to fresh armed conflict between the militants and the security forces but with the militants targeting unarmed civilians of non-Bodo communities the conflict in Bodo heartland became much more complicated. The situation turned volatile and sparked off a series of ethnic clashes between the Bodos and Adivasis and the Bodos and Immigrant Muslim

settlers while relation of Bodos with other non-Bodo communities also strained. Following series of ethnic clashes in Kokrajhar district during nineties two militant groups representing demands of Adivasis namely Adivasi Cobra Militant(ACM) and Birsa Commando Force(BCF) were raised to counter the threat of erstwhile BLT and the NDFB as well as for armed assertion by the Adivasis against marginalization of the community in the Bodo heartland and for Schedule Tribe status and for permanent rehabilitation of thousands of Adivasis who were forcibly displaced in a series of conflict between the Bodos and the Adivasis during this period. While the BLT came overground and disbanded following signing of the second Bodo Accord in 2003 by the insurgent outfit with Delhi and Dispur to pave the way for creation of the present Bodoland Territorial Council (BTC) under amended provisios of the Sixth Schedule, the NDFB is currently engaged in peace negotiation with the government and its rebel faction led by its founder chief Ranjan Daimary is carrying on with its insurgent activities.

Insurgency in both the hill districts too are rooted in statehood movement launched by people of Karbi Anglong and Dima Hasao (erstwhile North Cachar Hills) district that grew out of failure of the Sixth Schedule institutions in both the districts to deliver and freeing the downtrodden, marginalized tribal people from the clutches of endless poverty, backwardness and democratic movements not being able to draw the required attention of the Centre and the state government.

In Karbi Angong Hills district, the insurgent United Peoples Democratic Solidarity (UPDS) was formed in 1999 in a merger of the erstwhile Karbi People's Front (KPF) and Karbi National Volunteers (KNV) formed in 1994. The UPDS is currently holding peace talks with the Centre and is likely to ink a peace deal while its rival insurgent outfit Karbi Longri N.C. Hills Liberation Front(KLNLF) has signed a truce with the government and is expected to start peace talks to hammer out a solution to vexed insurgency problem in the hill district. In the adjacent Dima Hasao district(erstwhile NC Hills district) both the Dima Halam Daogah(DHD) and its rival faction DHD(Jewel Gârlosa faction) are currently engaged in peace negotiation with the government after years of bloodbath that claimed scores of innocent

lives apart from the casualties suffered by the insurgent outfits and the security forces.

The violent activities instigated by these insurgent groups have made the entire state a volatile zone. There were as many as 14 militant organizations operating in the state representing different tribes, and communities. There has been marked change in the overall insurgency situation in the state because of multiple factors which include among others the fact that the insurgent outfits are being pushed to the walls by intensified counter insurgency operations within the state and crackdown by neighbouring Bhutan and Bangladesh where these rebel groups found shelter and carried out hit and run activities and gradual decline in public support to most of these groups.

These armed conflicts have multiple impacts not only on the social fabric of the state but also on livelihood, culture and life of different communities and tribal groups living in the state. Most affected tribes and communities in these conflicts include Bodos, Adivasis, Karbis, Dimasas, Kukis, Rabhas, Koch-Rajbangshis, Hmars, Garos and Muslims.

Major ethnic clashes in the state since nineties

1. Conflict situation in Bodo dominated areas

In lower Assam, a series of ethnic clashes between the Bodos and the Adivasis and between Bodos and Muslims claimed lives of more than 1000 innocent people since 1993. These ethnic clashes had taken place simultaneously with the democratic movement of mass people led by All Bodo Students Union (ABSU) demanding a separate state for the Bodos. The movement witnessed major violent situation between the communities as well as fratricidal killings as two insurgent groups the Bodo Liberation Tiger (BLT) spearheading armed activities demanding a separate state within Indian territory and the National Democratic Front of Boroland (NDFB), demanding a sovereign Boroland.

These series of clashes which occurred during the period from 1993 to 1999 rendered more than 3.14 people homeless in Kokrajhar district alone. The Action Plan for Rehabilitation of the Refugees 1993,

1996, & 1998 Ethnic Violence have recorded the number of displaced persons as, ".....in the Bodo-Muslim ethnic violence, that occurred in October, 1993 as many as 3,568 families consisted of about 18,000 persons, who were forest encroachers, had been displaced...Again, a series of major incidents took place throughout the district in May'96 when 42, 214 families consisting of about 2,02,684 persons had been rendered homeless and they took shelter in 61 relief camps..... Violent incidents flared up again in May'98. Thus sporadic incidents of killing, threatening and tension prevailed throughout the district in the period between May'98 and January'99. As a result, 48,556 families consisting of 3,14,342 inmates have been displaced from their native places."

These displaced people had to take shelter in more than 72 relief camps at that time. The population of the district was 8,08, 730, according 1991 census, (according 2001 census this is 9,30,404). This means, almost one third of the entire population had to take shelter in these makeshift relief camps. With passing of time in relief camps, number of displaced families swelled making things more complicated.

Again, another clash between the Bodos and immigrant Muslim settlers in October 2008 took lives of 66 innocent people, mostly Muslim rendering more than 2,18,695 people homeless in northern Assam's Darrang and Udalguri districts.

The worst affected communities of these clashes were however, the Adivasis and the immigrant Muslim settlers.

(a) The Bodo- Adivasi issue

The Adivasis, one of the worst sufferers of the Bodo and Adivasi clashes in lower Assam have been categorized as Tea-and Ex - Tea tribes. Their original habitats include states like Bihar, Orissa, Bengal, and other places, and have a singular history that their emergence in the state was due to recruitment of large number of labourers for tea plantations from outside the province by the British. The first tea-garden was established in 1837 and till 1900, the number of tea-gardens in the state increased to 807 with an area coverage of 337 thousand acres under tea plantations. The Assam Company recruited first batch

of labourers from Chota Nagpur division in Bihar in 1841. The industry continued to recruit labourers till 1960. Although the actual number of such labourers cannot be estimated, according to reports the recruitment between 1859 to 1910 were around 15.60 lakhs. Adding recruitment during 1911 and 1950 would be nearly 32.40 lakhs. (Source: The proposal prepared by Assam Institute of Research for Tribes and Scheduled Castes, Guwahati in 2005 for Inclusion of Tai-Ahom, Koch Rajbogshi, Moran, Matak, Chutia and 97 Tea and Ex-tea Garden Tribes in the List of Scheduled Tribes(Plain) of Assam.)

These labourers, following their recruitment were forced to work in teagardens in hazardous working conditions as bonded labourer. However, some of them started moving out of employment and settled in Government lands or unused teagarden land in the vicinity of the gardens. These labourers earn their living working as casual labourers in the gardens, and simultaneously engaging themselves in other professions including agriculture. At present there are 97 such tribes in Tea and Ex-Tea Tribe category along with various sub tribes.

Apart from these organized recruitments for tea-plantations, some people belonging to these tribes have migrated to Assam, mostly in parts of Lower Assam from West Bengal to find their livelihood as agriculture labourers. Further, some of them were rehabilitated in late part of 19th and early part 20th century in forest lands by setting up recognized forest villages, providing them certain amount of land. During the course of time, off-springs of these families have started encroaching forest lands in search of livelihood. In lower Assam these people find their livelihood as agriculturists, agriculture labourers and daily wage earners. In lower Assam these people used to live peacefully with their tribal neighbours. However, during the period of Bodo agitation for a separate Bodoland, they become the worst victims of attacks and retaliation of endless conflict situation.

The Bodo and Immigrant Muslim Settlers conflict

The state has witnessed increasing conflict situation and contradictions between immigrant religious Muslim settlers and tribal

communities. This conflict is attributed to settlement of immigrant in areas previously dominated by tribal communities. The immigrant settlers were originally settled in riverine areas or chars (sand bars). But due to constant erosion in these areas, a large number of them started moving into new areas, mostly dominated by tribal groups. Failure of government to protect the tribal belts and blocks from encroachment by these displaced immigrant settlers resulted in land alienation of tribal people, which made the situation worse.

These internally displaced persons had to take shelter in the relief camps for prolonged period in sub-human conditions, without any livelihood and social security. According to statistics, tabled before the floor of Assam Assembly in January 2009, a total of 11,092 families of these displaced people were yet to be rehabilitated and they were still living on makeshift relief camps. Out of these, 3,813 belong to Muslim community and while 7,279 belong to Adivasi community. These Muslim families living in relief camps in Salabila and near by areas of Bongaigaon district since 1993 are yet to be rehabilitated.

Ethnic clashes in Hills

In Karbi Anglong hills district, conflicts between insurgent groups of Karbis and Kukis in 2003 and 2004 displaced 11,000 people of both the communities. Similarly armed conflicts between two insurgent groups namely, United People's Democratic Solidarity(UPDS) representing Karbi people and Dima Halm Daoga(DHD), representing Dimasa people, in 2005 rendered 49,000 people homeless apart from killing over hundred unarmed civilian. In North -Cachar Hills district, conflicts between Hmar and Dimasa tribes forcibly displaced large number of people belonging to both the hills tribes during 2003 and 2005.

Garo-Rabha conflict in Lower Assam

A recent bout of clash between Garo and Rabha tribes along the Assam-Meghalaya border areas in Goalpara district of lower Assam during January last, took lives of 12 innocent people as well as rendering 60,000 people of both the communities homeless.

The gender perspective of displacement situation

Indiscriminate killing of innocent people during the time of clashes and uprooting of people from their original habitats have given rise to a number of humanitarian issues in the state. Women and children are the worst sufferers of such devastations. While the entire community has to face displacement during any conflict situation, it is always the women who have to face all the miseries of desolation. Women are the worst sufferers of all kinds of violence, subsequent displacement and prolong stay in relief camps. During the time of attack they become the easiest targets of killings, while during post violence period they have to bear all the miseries of starvation and penury. Life of a woman is more vulnerable than her male counterpart.

Livelihood crisis hits woman most

In any relief camp or any displacement situation due to conflict situation, a woman is more prone to penury, hunger and uncertainty. In the early morning she women has to fetch water from the water sources provided in the camps, which is often inadequate (in Jaypur Relief Camp in Karhigaon area of Kokrajhar district for instance, there were only 4 tube wells and 12 wells to meet demands of over 16,000 camp inmates in 2005), feed young children and cook food before her coming out from the camp in search of job. The job can be anything she can manage within her range- mostly a domestic help or an agriculture labour during harvest and seed-sowing seasons. As all the areas where these ethnic clashes and violence took place are the most backward pockets in the state, and job-seekers number excessively high- finding such jobs too are difficult. This makes these displaced women to collect fuel-wood from the nearby forests to sell in the Market. Fuel-wood thus collected from the forests, of course, can fetch very little money as money circulation is very limited with purchasing capacities of the market goes, who are basically the inmates of the camps or downtrodden people of nearby poor and backward villages. Again, there is harassment from the side of either Forest Officials or militants of opposite sides who often take shelter in jungles.

A section of displaced Karbi women in Karbi Anglong Hills district, who took shelter in makeshift relief camps of Agriculture Colony in Diphu, the district headquarter, somehow managed to sell wild vegetables brought from jungles on the roadside were also threatened by the district administration on the ground of encroaching the market place in 2006. However, they found some space in the market area to sell their products with the intervention of members of Karbi Ningso Chingthur Asong(KNCA), a local Karbi women organization.

A woman's daily labour fetches her a tiny Rs.20 to Rs. 50 per day. She is less paid for the similar kind of work of her male counterpart. During lean period these people have to survive only on arum root, wild variety of leafy vegetables, snails or rats. A family of seven to nine members has to live under a single thatched roof, congested dark unhygienic make-shift house.

Health

Field visits in the relief camps located in Kokrajhar, Gossaigaon Karbi Anglong and NC Hills district (presently Dima Hasao district) during 2005 and 2006 revealed that healthcare facility was completely nil in the areas where the relief camps were set up. Lack of awareness regarding adoption of family planning measures made them to give birth to several children. Health workers, doctors and nurses hardly used to make visit these areas due to fear of life. People representing different organizations, human rights groups, NGO workers as well as government employees who make visit to these camps on different occasions, rarely took initiative to make them aware of health issues inside a camp life under the tarpaulin sheets. Children were given birth in the most unhygienic condition. Crude delivery was the normal practice. Pregnant mothers often deprived of a nutritious meal, all through the period of pregnancy, had gone for their harsh routine work, and there was hardly any leisure time for them.

Significantly, neither the district administration nor the camp management committees, have the records of people who have died in the make shift relief camps due to diseases in Kokrajhar district.

Although camp management committees were bestowed upon the duty of keeping such records, there was no push at administrative level to maintain such evidences.

Till 2006, the only health care facility available for camp inmates was the Pulse Polio immunization programme. Similarly, there was no provision of providing nutritional support doses during their pregnancy and post pregnancy period. The Maternal Mortality Rate (MMR) was indeed very high. However, there was no record of MMR or Infant Mortality Rate, available with the administration. Reproductive health of these mothers was a matter of serious concern. However, they were not covered under any such awareness campaign by development agencies.

In Kokrajhar, where displaced people experienced prolonged life in relief camps, no study was conducted to assess the nutritional standard as well as the mental state of the camp inmates for overstay in camps, and of those born and brought up in camp environment away from the society.

Most of these children died in diseases that were easily curable by making available some basic health care facilities. The common diseases include diarrhea, malaria, tuberculosis, jaundice and other water-borne diseases. There is no sanitation facility and people have to use the open space for the purpose. The open defecation in congested relief camps where large number of people had to be accommodated resulted in tremendous health hazards. The district administration also maintained that female camp inmates were not covered by any government beneficiary schemes, during their pre and post-natal period.

Most of these relief camps were located in remote areas, and the government health service was absolutely nil. In most of the areas the health-care institutions including sub-health centers and primary health centers were destroyed by the extremist outfits during the time of attack and retaliation. Government officials hardly make their visit to these institutions due to fear of extremist. People normally go to local quack (ojhas) when they fall sick. Most of the camps were located in malaria prone areas and huge numbers of these inmates have died in malaria.

During the recent bout of ethnic clashes among the Garo and Rabhas, took place during early part January that took lives of 12 innocent people and displaces 60,000, along the Assam-Meghalaya border areas, however, the administration has taken some steps to address health issues of internally displaced people in general and women health in particular. Pregnant women and mothers with newborn babies are regularly attended by concerned Accredited Social Health Activist (ASHA) to provide necessary help. Temporary sanitation facilities have been constructed to prevent open defecation. Fortunately, most of them have already returned to their original villages. A complete kitchen and relief kit provided to them by the International Committee of Red Cross (ICRC) was of great help in maintaining health and hygiene inside the camps. Ironically, none of these families were given the medicated mosquito-nets, the most popular government freebie distributed among the poor people in the state which the Congress-Bodoland Peoples Front (BPF) coalition government made a major poll plank in the just concluded Assembly election, as alleged by the inmates.

Education

The displacement of vast number of people from their original places has deep impact on continuation of education of children. Most of the relief camps were opened in government schools. This had severely disrupted academic activities depriving large number of children from education. In Kokrajhar district while ethnic clashes flared up three times in 1993, 1996, and 1998, the administration took initiative to resume primary education inside the camp premises only in 1999 under the Axam Sarba Siksha Mission. This means children had to lose academic years for several consecutive years. In Karbi Anglong too, displaced children had to lose academic years. There was severe negligence by the administration in providing them education in a healthy atmosphere. Mostly, the camp inmates had to donate the galvanized tin-sheet provided to them by the administration individually as rehabilitation grant to construct the school-building inside the camps.

Initially, schools were opened in the relief camp under the Education Guaranteed Scheme of SSA. Most of them were single teacher schools. Schools are often overcrowded. These teachers are appointed as Siksha Karmis, initially and they still receive a meager amount of Rs. 1,500/ as remuneration, even today.

Gender discrimination is easily visible in these schools. Young girls in these camps are sent either to the fields to collect fuel-wood, wild varieties of arum roots and leafy vegetables, snails and rats or to someone's places as domestic help. Enrolment of the girl child in schools is far below and dropout rate is marginally high than their male counterparts.

Midday Meal Scheme (MMS), crucial for these children for survival introduced during later part of 2006 only and was often inadequate. In Salabila relief camp a temporary home to over 5,000 people, belonging to Bengali speaking Immigrant Muslim community for example, during 2008, ration provided under the Midday Meal Scheme for 150 students is distributed among over 500 school-children studying in two primary schools opened in the camp.

Young girls in relief camps are not covered under any government welfare schemes, specially, the schemes meant for girl-child including the Balika Samridhi Yojna, or any vocational training for self-employment. The unique possibilities of initiating income generating schemes involving the young girls, who have to languish in relief camps in sub-human conditions, are yet to be utilized properly. Most of these girls help their families working as domestic help, as daily wage earners, or working in roadside "dhabas" in most hazardous atmosphere.

Women deprived of taking decision

The Principle 18, of the UN Guiding Principles on Internally Displaced Person, clearly states that "special efforts should be made to ensure the full participation of women in the planning and distribution of basic supplies like essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation." Surprisingly, in the camp management committees, or any

other committee in all relief camps set up throughout the state, irrespective of areas and communities, there is hardly a woman member or representative. Thus when there is any discrimination regarding distribution of ration or rehabilitation, voice of women is hardly raised.

The Only Perceived Safety of the Young Girls is to get Married

Young girls mostly in the relief camps of Kokrajhar districts were married, preferably to a camp inmate, as soon as they attained puberty. This was the only safety measure in the madding crowd and wilderness in camp environment. Normally, a young girl was married at the age 13-14. A girl was married as soon as she attains puberty, and by the time she reaches the age group of 22-25, she becomes a mother of four to seven children. There are also bizarre instances young girls are raped by camp inmates and becoming pregnant being forced to marry the culprits instead of going for any legal intervention.

Missing Girls

A large number of girls from the relief camps during post violence period, mostly in Kokrajhar district were found to be missing. The hardship of life in the camps often made these girls to come out and to work as domestic help in near by towns. Some were even sent to outside the state, mostly in Kokrajhar districts and from the relief camps situated near the National Highways and Indo-Bhutan border areas. There were recruiting agencies in places like Delhi, and these agencies recruited these girls directly from the camps.

Most of these girls can not return home. There is no such official record of missing girls, nor reporting of trafficking of girls with the police, or with the district administration. The placement services based in places like Delhi recruit these girls to work as domestic help in different states. However, there was no local recruitment center to record names and addresses of such girls, so that in case of any distress situation these girls could inform at home.

A few girls engaged in flesh trades were rescued with the help

of police. But tremendous livelihood crisis made a section of them to return their previous places. It may be mentioned here that a report prepared by Criminal Investigation Department of Assam Police in 2007 have identified conflict-hit and flood affected areas are two of the most vulnerable areas in the state with large number of incidents of human trafficking. However, situation has been improving with proper intervention of a section of local NGOs.

Rehabilitation Status

Absence of a concrete rehabilitation scheme to meet needs of riot victims not only added to the plight of the inmates prolonging their stay in sub-human condition, it has also exposed the failure of the official machinery to respond to conflict situation and deal with the humanitarian crisis.

The state government rehabilitation scheme only addresses the issue of providing the victims some relief material and distribution of tarpaulin sheets. In Kokrajhar district the victim families were given only Rs.10,000/ at the time of their return to own villages following their almost 10 years long stay in camps. Families which belonged to revenue villages or recognized forest villages only considered to avail this rehabilitation grant. Over one third of these victims were forest encroachers and their names were not considered to get this grant.

In Karbi Anglong Hills Districts, only those families whose houses were completely set ablaze by militants during the time of attack were considered to get Rs.1,500/ and a bundle of tin-sheets to construct their houses. Those families, whose houses were partially damaged, were nor considered to avail this grant. A common allegation of the displaced people was that they have to bribe the local administration to avail Job Card under the MUNREGA, houses under Indira Awas Yojna, or other benefits. The militants and miscreants completely destroy the livestock of the villages during the time of attack, which form a very integral part of tribal economy in north-east. This damage was too, not considered for availing any financial assistance.

During the recent bout of ethnic clash along the Assam -

Meghalaya border areas of Goalpara District in lower Assam, displaced families have been given Rs.10,000/ and 3 bundles of galvanized tin sheets as rehabilitation grant. The administration, although distributed ration initially, have been stopped since February 28, 2010, making lives of these people more vulnerable.

The rehabilitation schemes never address the issues of women in particular.

Government machinery is completely indifferent and insensitive to the serious humanitarian crisis triggered by displacement of such a huge number of people and to the problem of overstay of these people in sub-human condition in the relief camps. The entire approach of the government machinery is oriented towards simply providing the rehabilitation grant, which is a meager Rs 10,000. In Kokrajhar a large number of displaced people, who were forest encroachers, were not considered to avail the rehabilitation grant. As adequate funds were not released either by the Central or the state government, the rehabilitation grants do not reach most of them forcing them to prolong their stay in the camps.

The government machinery could have utilized the various welfare schemes, more particularly the income generating schemes, which could have helped the inmates to earn some money and overcome the problem of hunger. Besides, the efforts of the NGOs could have also been supplemented by the District Administration and other government agencies by undertaking similar intervention programmes like income generating schemes through formation of Self Help Group targeting women, providing basic health care and education etc. However, government agencies remain totally indifferent adding to the plight of these people.

Role of a Hmar woman in rebuilding of life after devastation

There is a fine example of how role woman can be instrumental in rebuilding life after devastation. Ms. Bimala Hmar a female school-teacher in conflict-hit Charon Basti of Mahur in NC Hills district (presently Dima Hasao district), a female school-teacher took

special initiative for continuation of education of her community children, immediately after the attack of their village by suspected DHD insurgents during 2005. The DHD militants set fire in the entire Charon Basti village. Fortunately, a few houses were saved from that devastating fire. Bimala Hmar, a school teacher of the village primary school decided to provide her own house to use as school. Thus, the school was operated in her house for one year. Her effort ensured continuation of education of village children, and as such they did not lose any academic year. Her effort inspired the entire community for rebuilding of life without waiting for government aid. This initiative, taken by a woman, perhaps, the only example of restoration of education of children immediately after devastation, in any conflict hit areas in the state.

Community approach too can make difference

Similarly, in Kokrakhar district the riot-hit Bodo people took special initiative to rehabilitate their community people by providing their own land at very low price to these people. Among the Karbis, the village headman of Lungmili village near the Agriculture Colony in Diphu, was instrumental in providing displaced Karbi people some land in his village, so that they can shift from the relief camp as soon as possible. Such efforts were very helpful to provide social security among the victims, particularly womenfolk of their respective communities.

However, unlike these communities, the socio-economic condition of communities including the Adivasis and the immigrant Muslims are very low and most of them are landless which come in the way of chalking out a community approach of rebuilding life after devastation. ■

(Most of the information are based on first hand accounts gathered during field visits to relief camps set up in different conflict hit areas between 2005 and 2011.)

CONFLICT SITUATION IN MANIPUR AND WOMEN

Aheibam Koireng Singh

Northeast India is a homeland of diverse ethnic communities. Primordial mobilization and ethnic nationalism had resulted to the dismemberment of Assam. To cite an example, the states of Nagaland (1963), Mizoram (1972) and Meghalaya (1972) have been created by ceding out territories from Assam. It set into motion a trend of ethnic groups aspiring and asserting demands for their own separate homelands. Manipur, a state in Northeast India bounded on the east and south by 'Upper Burma', on the west by 'Cachar' district of Assam and the north by the state of Nagaland also has several communities and tribes found all over the state either exclusively confined or scattered or co-existing. Manipur can aptly be called 'Miniature India' considering the substantive similarities with the kind of equation mainland India has with the rest of the country in terms of multiplicity in ethnic composition and demographic variations.

Manipur has a total land area of 22,327 sq. kilometers with a population of 2,293,896 including estimated population of three subdivisions of Senapati district in 2001. The area of the plain is approximately 2,230 sq. kilometers and the remaining 20,097 sq. kilometers are hills. Nine-tenth of the state's area has been reserved for the scheduled tribes as the non-tribal and Meiteis are not

allowed to buy land in the hills. Manipur is inhabited by the Meiteis, Meitei-Pangals (Manipur Muslims), Mayangs (people coming from other regions of India), Nepali and tribal population which comprises of thirty-three recognized scheduled tribes and some smaller sub-tribes still demanding constitutional recognition as separate tribes. The thirty-three recognized scheduled tribes in the state are - Aimol, Anal, Angami, Any Kuki tribe, Chiru, Chothe, Gangte, Hmar, Kabui, Kacha Naga, Kharam, Kom, Koirao, Koireng, Lamkang, Mao, Maram, Maring, Any Mizo (Lushai), Monsang, Moyon, Paite, Poumai Naga, Purum, Ralte, Sema, Simte, Suhte, Tangkhul, Tarao, Thadou, Vaiphei and Zou. Manipur and the region of Northeast India can be considered as 'ethnic hotspots' because of its sheer ethnic diversities. The ethnic diversity in the region which could well have been its strength, over the period, has more or less been manifested in the form of fragmentation since the (Indian) post independence era. In fact, the ethnic mosaic has become an ethnic cauldron.

The British colonial rulers in their administration of Manipur introduced ethnicity with far reaching consequences when they separated the administration of the hill tribes from that of the Manipur valley and also gave two identities to the hill tribes: the 'Naga' and 'Kuki'. Historically speaking, the usual practice of divide and rule in the consolidation over different ethnic tribal groups of Manipur had been the corner-stone of the British policy towards Manipur's hill tribes. During the Kuki rebellion (1917-1919), it was estimated that 174 Nagas were killed and the colonial officials as a retaliatory move recruited Nagas to suppress the rebellion. In 1931, Zadonang, a Kabui Naga launched a movement which according to the Annual District Administration Report (1930-31) was to make war first on the Kuki and secondly on the British Government. During the Zadonang movement, Kuki scouts were used to contain the movement. This was the time when the seeds of Naga-Kuki ethnic conflict were sown that was soon to be flowered in contemporary times.

The post British colonial state of Manipur embarked on a journey towards democratic governance and tried to reconsolidate the plural forces through the reintegration of hill ethnic communities by electing a 53 member assembly in the election (1948) under the provisions of the Manipur State Constitution Act, 1947 which was drafted with Kuki and Naga representatives as well. After merger (to India), Manipur became a 'Part C' state and was granted statehood after a long gap in 1972. At such a political vacuum created by the absence of representative assembly following Merger different conflicting demands such as demand for statehood, independent Manipur, integration to Lushai Hills, Naga integration and independence rise to prominence. The Government of India subsequently followed the British policy of polarizing the ethnic diversity in Manipur hills by notifying as 'any Kuki tribe', 'any Naga tribe', 'any Lushai tribe' without making any mention of the ethnic names of different tribes.

As its aftermath consequences, Manipur had her first experience of considerably large inter-community clashes in the form of Hmar-Kuki conflict (1959-1960). Massive secessionist and insurgency movements based on nationality questions which were to be seen in the later years were sprouted during the first two decades of the merger. The Naga insurgency with its agenda of dismembering the Naga settled areas of the state for 'sovereign Nagaland' began to be felt in the early part of the 1960s. The 1964 ceasefire between Government of India and Naga rebels covered three Manipur hill subdivisions of Tamenglong, Mao and Ukhru. There were also similar movements for the integration of Chin Kuki Mizo areas under the inspiration of the Mizo National Front. The United National Liberation Front (UNLF) which claims to be fighting for restoring the 'lost sovereignty' of Manipur also came into existence. By the time statehood was granted to Manipur, the whole of the state was caught in the conflicting situation of insurgency and counter insurgency. By 1980, Manipur came under the shadow of Armed Forces Special Powers Act, 1958 which allows killing of

civilians without accountability. Since then the state has been caught in a cycle of violence. At present, Manipur has more than 30 armed outfits espousing different objectives some incompatible and in collision course with the other. Just to cite an example, the 'Kukiland' demanded by the Kuki outfits include a sizeable portion of the territory which the National Socialist Council of Nagaland Isaac Muivah (NSCN-IM) led Nagas would like to see some day as part of their aspired 'Nagalim'. Even among the Chin Kuki Mizo outfits, there were many which do not comply with the idea of Kukiland and espoused for a counter homeland. In fact, no solution seems to be at sight as the demands of these myriad of outfits could not be narrowed down to any common denominator. And also the state has witnessed splintering of armed groups and factional infighting with large scale casualties cutting across community lines.

Again in the passing decade of the twentieth century, there were series of violent ethnic conflicts which have caused huge casualties both in terms of human and material loss. At seeing such never ending clashes, a watchful British Broadcasting Corporation (BBC) commentator once described Manipur as "India's Bosnia". The first in the fray was the Kuki-Naga clashes which occurred in 1992 and continued unabated till the year end of 1998. Violent inter-community conflict was also witnessed between the Meiteis and the Meitei-Pangals (Manipuri Muslims) in May 1993. In June 1995, there was sudden eruption of violent conflicts between the Kukis and Tamils in Moreh . The latest in the chain of event was the Kuki-Paite conflict in the year 1997-1998. The appropriation of civil spaces and marginalization of mainstream politics by the underground agenda also created a situation of latent conflict as evidenced in the recent fracas arising out of proposed visit of NSCN-IM leader, Muivah in Manipur. Many felt that the prime motive of his visit was to sabotage the process of strengthening grass root democracy in the hills by sabotaging the upcoming Autonomous District Council (ADC) elections in the hills of Manipur. With the major Naga outfits and 18 Chin Kuki Mizo outfits either

already in peace talk or the ceasefire, it is mostly the Meitei outfits (espousing the objective of united 'Sovereign' Manipur as opposed to the idea of fragmenting the age-old state's boundary for 'Naga nation', Kukiland, Zomiland or for any other exclusive ethnic homeland) which is still eluding the offer for peace talks and ceasefire.

Thus, the conflict situation in which Manipur has been caught in is not just one clear cut conflict but conflicts of different kinds and in its multiple. In fact, Manipur can be considered as 'India's ethnic minefield' and 'conflict hotspots'. The conflict between the state and the non state armed opposition groups, ethnic conflict between and among different communities and fratricidal factional infighting between different armed groups are the specificities that gives Manipur a stamp of being in conflict situation.

In an environment ripe with conflict, there is practically no guarantee for right to life as the civil rights and fundamental freedom are often grossly encroached upon with far reaching consequences and women are even more affected as they constitute the most vulnerable sections. Violence against women could mean any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private. And violence could be one indicator which shows the disadvantages suffered by women in conflict situation. In Manipur, situations of conflict whether it be ethnic war or between state forces and armed opposition groups women have been targets of violence irrespective of who the actor is. They have been subjected to various forms of torture, sexual abuse, rape, inhuman treatment, punishment, degraded humiliation causing multi-physical symptoms, psycho-social problem, etc. Sexual and physical abuses are often so violent as to result in death. Many cases of rape and sexual assault must have also gone unreported due to fear of social stigmatization and perceived threats. Many of the women and girl child have also been orphaned by it. Violence

in the form of threats and intimidations by the armed outfits for not fulfilling their dictates has also been on the rise.

Conflict situation in Manipur has also led to large scale displacements and disruption of normal life patterns with disastrous consequences. It affects livelihoods and led to loss of property and lack of food security. The nature of displacements include spontaneous fleeing from life threatening situations as well as organized and planned population transfers or relocations involving the use of force and other human rights abuse. With many of the men getting killed or involuntarily disappeared, there is an increase in female headed household. Just to cite an example, on 13th September 1993, three-fourth of the families of erstwhile Joupi, a Kuki village under Tamei subdivision of Tamenglong district became female headed households as all the available male population (79 in number) were killed by armed Naga insurgents after sparing women while in the process of displacement. They had to shoulder the responsibility of being the sole bread earner for their respective families as there were no male earning members left to support them. After getting evicted from their traditional and habitual residence they were stigmatized and discriminated in their new surroundings. This gives an additional burden to the women to be extra cautious of their children in the new and unfamiliar strange places. Cases of early marriage became very high among the girl child. Many youths started indulging in various nefarious activities. Coupled with it the younger population among the displaced led a wayward and undisciplined life-style as the role of village elders and seniors as agents of social control was not available to them. As those displaced from their habitual residence came loitering to new places in a pauperized state, women were compelled to engage in sex trade. The presence of state forces in large number due to conflict situation also created a demand for sex trade. On the eve of the conflict that erupted in 1992, there were strong connubial and commensual ties among many of the Kukis and the Nagas. But the Kuki-Naga conflict jeopardized the security and stability of such

inter-marriages that Committee for Restoration of Normalcy (CRN) while highlighting its achievement stated that some hundred broken Kuki-Naga marriage were mended at their initiative.

In an area ripe with conflict, the fear of venturing out too far not only affected the education of the younger population but also greatly disrupted the local production and subsistence economy. In fact collecting firewood and fetching water is a constant worry. Evermore, there have been times one could not risk gathering vegetables grown at their own yards due to the fear of coming under attack. Rate of drop-outs at all levels of education became alarmingly high more so among the girls. Girl's education which even in normal times is not given much importance is relegated to the bottom in the list of priorities when communities undergo external pressure and tension. Apart from it security reasons also prevented them. Continued violence restricts women's mobility severely. Among the insurgent groups in Manipur only few continue to function through their dedicated cadres and many have carried out their activities by the paid operatives. Recently there have been trends of using women, mostly widows as paid operatives in delivering extortion notes, parcel bombs, etc by the armed groups which no longer have manpower (cadres). This increases the suspicion of the security forces on women. The Meira Paibi (meaning Torchbearer) groups which reached the peak of its activity during 1980s have to some extent contributed towards bringing normalcy to aggravated situation. They expose themselves to extremely vulnerable situation pregnant with suspicion and security risk while doing so. "Given the inherent strength of Meira Paibi movement, I am sure that they would be able to take up these (lawlessness, insurgency, corruption, social evils) important issues and usher in an era of peace and prosperity in the state, where the people irrespective of their religion, caste or creed would be able to enjoy the fruits of development and march along the path of progress towards a bright future", the erstwhile Manipur Governor (in 2001) remarked. But of late, many stakeholders have swarmed

in the Meirá Paibi groups to politicize for taking their sides. With it its credibility also has begun to be questioned. The Meira Paibi movement though is widespread seems disperse and not interconnected and very often they failed to put up the resistance as a united front. In the hills also women organizations are ghettoized on ethnic lines. All the immunity granted to the armed forces by the Armed Forces Special Powers Act (AFSPA) which has been applying in the whole of Manipur since 1980 has resulted in gross violation of human rights including women. Irom Chanu Sharmila has been fasting to demand the repeal of AFSPA for a decade or so. State Women Commission continues to exist only for name sake. It came under heavy fire for remaining passive and lethargic in the wake of 23 July 2009 Khwairamband killing in which a woman was killed in the fake encounter which was later exposed by Tehelka with photographic evidence.

Women groups have time and again condemned violence and voiced their longing for peace. Despite it, no concerted effort could be seen from the side of the state and the NGOs to involve women in actual negotiation. Considering the enormous impact conflict situation had on women, it is imperative to study and documents the depth and dimensions of violence against women in conflict to address their needs in such situations. The existing state commission for women should be given more autonomy. Statutory intervention to work out strategies to involve women in decision making roles in conflict resolution and peace processes are also required and lacuna in the existing legal system and judicial mechanism in ensuring justice to women violated against in such situations should be looked into so as to done away with it. International Humanitarian Law, which is also known as "the law of war" or "the law of armed conflict" consists of a set of international rules the purpose of which is to limit the effects of war on people and objects. Its fundamental rules are binding on all states. Its goals are to maintain peace, to protect the human being in a just order, and to promote social progress in freedom. It applies in non-international armed

conflict too. According to the protection accorded to certain specific groups under International Humanitarian Law, "women are protected from certain crimes all too often committed against them in time of war, such as rape, outrages on human dignity and enforced prostitution. If interned, women must be held separately from men, and the death sentence cannot be carried out against pregnant women or the mothers of young children". Armed groups operating in the state can no longer be viewed in opposition vis-à-vis the state forces as many are now in cease-fire with the latter and many are alleged to have proliferated in the process of counter-insurgency. The non-state combatants by observing and conforming to the obligations laid down by International Humanitarian Law, not to forget those protection accorded to women, can earn politico-legal status and international recognition. Doing so will distinguish them from those armed outfits which have proliferated in the process of counter-insurgency. ■

A'CHIK WOMEN IN TRANSITION

Caroline R. Marak

A'chiks, racially and linguistically, are a branch of the Bodo speaking group of the Tibeto- Burman family of languages descended from the parent Tibeto- Chinese. Among the wide range of groups of Tibeto- Burman speakers, from Baltistan in the west to Szechuan in the east, and from among the bodo speaking tribes scattered all over the north-east india, there is not a single group with matrilineal system of social organization except the A'chiks. The A'chik population is concentrated in the western part of Meghalaya, and sizable population occurs also in Assam, Tripura, North Bengal and Bangladesh. Though non- literate before the British gradually occupied their physical and mental space and changed the scenario, they had a strong, thriving oral traditions. With conversion and introduction of education their rich oral traditions of their own history and migration, poetry, myths, folktales, chants and incantations fell into neglect, and the number of bards, priests and those skilled in the verbal art dwindled.

Just as there is a clear tradition of their migration from Tibet, there is an unequivocal tradition of their adoption of matriliney, which has been recorded by Jobang D. Marak in his small but valuable book A'chik Kata (Garo History, 1930). While they were settled in the plains of lower Assam, a great assembly with representatives of

various clans and groups gathered at the courtyard of Bonepa; and they reached a consensus to retain the daughter at home, and to bring the closest nephew of the father as the nokkrom son-in-law.

Characteristic Features of Matriarchy: Matriarchal societies have been defined through identification of their characteristic features on economic, social, cultural and political levels in the book *Women and the Gift Economy*:¹

On the economic level, matriarchies are often agricultural societies, though not exclusively so. Goods are distributed according to a system that is identical with the lines of kinship and the system of marriage. This system has the virtue of preventing goods from being accumulated by one particular person or one particular group. The principles of equality are consciously maintained. So the society is egalitarian and non-accumulating.

On the social level, people live together on the principle of matrilinearity ; all social and political positions are passed on through the mother's line. The women have the power to control the property, sources of nourishment - fields and food. This characteristic feature gives women a strong position. Marriage between two clans is not so much between two individuals, but rather a communal marriage. Therefore matriarchies have been described as non-hierarchical, horizontal societies of matrilineal kinship.

On the political level, the process of taking decisions is organized along the lines of matrilineal kinship. Men and women of a clan hold a council to discuss domestic matters; decisions are taken by a consensus. The same process is followed for the entire village.

In the cultural level of a matriarchal society, divinity is immanent; the whole world is seen as divine. The universe itself is conceived as the goddess who created everything, and living objects spring forth from this mother. All living and non-living objects are endowed with divinity.

Features A'chik Matriliny: Descent is reckoned through the

mother; the children take the mother's clan name, and they belong to the mother's family. Property passes on through the female line, from mother to daughter. One of the daughters is chosen to inherit the major share of the property; she is known as the nokna. It is the duty of the nokna to look after the parents in their old age, and to offer hospitality to her siblings and other relatives when they come visiting. The A'chik society is exogamous, a man and a woman of different chatchis and ma'chongs or motherhoods are eligible to marry. It is matrilocal, a man marrying a woman stays at his in-laws' place for several years before he sets up a separate household. Often the parents provide a plot of land for their married daughter. The man marrying into a family is called a chawari, at the level of the mahari, he is a gachi. The gachi becomes a respected member of his wife's mahari. In the mahari clan association, he may be elected to an important office, and he may have to perform important duties during marriage negotiations, weddings, death of a member of the mahari.

A ma'dipil consists of three generations of a family - the grandmother, mother, daughter and their families, including the sons.

Nokkrom is the son-in-law who marries the nokna, and he has similar responsibilities as his wife. Traditionally and preferably even today, he should be the nearest nephew of the father, one of his sisters' sons. In the A'chik concept, the blood lines of both the mother and father should be continued. Daughter should inherit the property, and the father's nephew should enjoy and manage the property acquired by his uncle. The logic behind this is that the management of the property should not pass on to the hands of a man from another clan, a stranger to the family. Secondly, the nephew's loyalty can be counted on, as he is of the same blood as his father-in-law.

Sharing of the property is according to the economic status of a family; those with limited means may choose to bequeath all to daughters only, while the well-to-do might distribute some to sons as well.

The Custom of On'songa: When a married man or a woman

dies, it is the custom of providing a replacement to the survivor. If a woman dies it is the duty of her mahari to provide the widower a woman from among the family members; similarly, if a man dies, it is the duty of his mahari to provide a man to the widow. The logic is to continue the family line; according to A'chik concept a widow or a widower should not remain without a mate. When a man and a woman they are governed by the law of a'khim; this law operates unless it is formally removed. Jangsan Sangma, in his Principles of Garo Law explains the law as follows:

Marriage establishes a lasting affiliation of the clans of husband and wife. So when one of the parties dies the deceased's party's clan has a duty to provide a substitute to the survivor and the survivor is obliged to accept a substitute spouse provided by the relatives of the deceased.²

Patriarchal values in the A'chik Society: An examination of the power structure will show the subordination of woman in this matrilineal society. The husband is the head of the family, and not the woman, though the property is in her name and the children takes her family name. In the matter of decisions the husband can override those of his wife; theoretically he is supposed to consult her for her views, but he may not consult her at all. Immense power is vested in the chras, who are the uncles and brothers of a woman. The chras are indispensable during marriage negotiations, and the occasions of weddings and deaths. They play an important role in the management of property. They have power over a son-in-law and a nokkrom as well. A woman who is ill treated by her husband may complain to her chras, or others may do it on her behalf. The chras are obliged to judge the merit of the case. They have the power to question the husband, warn and take appropriate actions if need be. In the case of a'khing nokmas, the chras have the power to remove the man from his nokmaship, and install another in his place.

The case of the nokma illustrates the point. The traditional A'chik land holding system is the a'khing which is a large tract of

land belonging to one or two ma'chongs or motherhoods. Those a'khings, whether in the valleys or hills, have been enumerated, registered and surveyed by the British in the early 20th century. The members of the motherhood live and cultivate the land in their a'kning, which is a community land. The a'kning is registered in the name of the head of the motherhood, who is a woman. The woman is the a'kning nokma, and registered as such in the Gar Hills Autonomous District Council. However, it is her husband who is known as the nokma, and by a strange twist in the terminology, the woman, the nokma proper, is known as the nokma me'chik, i.e., nokma woman. The nokma proper is thus relegated to the second place. Due to difficulty of terrain and communication, inclement climate, biological differences and the nature of her duties as a woman, the nokma me'chiks were required to attend court at the initial stage of a case; thereafter her husband and chras could represent her. The administration and management of the land, supervision of the boundaries, decision making, organization of the annual community functions, religious duties, rituals, etc., rested on the nokma. The women continue to occupy subordinate position in the power structure even today. Whereas now the facilities for journey has improved tremendously, and management of the land, the village and its various religious and social functions and festivals have become easier with the improved communications, the nokma me'chiks are yet to take up the leadership, and claim their rightful place. The basic reason for their failure to assert themselves and exercise their power is that most of them are illiterate. Their husbands continue to represent them, issue documents, exploit resources, sell the land, and enjoy the money, while the genuine nokma is sidelined.

A'chik women suffer from cultural, economic and educational disabilities, as much as the women in patriarchal societies. They are hindered from realizing their creative potentials by the general attitude of the society, which does not encourage, and is not interested in the development of their skills. There are direct and

indirect ways of hindering them. As among patriarchal societies, there is cultural identification of 'women as merely the negative "Object", or the Other, to man as the defining and dominating "Subject" who is assumed to represent humanity in general.'³

Fear and a sense of inferiority is instilled into the mind of girls early in life, and kept under male domination with such common remarks as the following, which enjoy the status of a maxim:

Do'nok wagam gri

Me'chik gisik gri.

The couplet may be translated as

Just as the domestic fowl lack teeth

Women lack wisdom.

A verse in a folk song goes:

Mimi sabo rangtalo

Mimi sabo rangtalo

Abi denggu dakode

Kae dokbo mandalo.

The quatrain may be translated thus:

Serve the rice on a platter

Serve the rice on a platter

If your elder sister is naughty

Tie her up in a mandal4s tree and whip her.

Power relations in the society clearly reflect male bias. Social institutions, customs and arrangements are used to manipulate power so as to perpetuate power of men over women. Bigamy and polygamy are a case in point. The father is the head of the family; theoretically he is supposed to take the consent of his wife to take a second or a third wife. Yet it is quite unlikely that such a consent is taken.

Another custom which is manipulated to the advantage of men is on'songa. As soon as a married woman dies, even before the funeral takes place, the search is on for a replacement. If a younger unmarried woman is available, she is pressurized by her chras to marry her brother-in-law. The chras in such cases do not always

work for the advantage of the niece or sister. They do not take into account the age differences; an under-aged girl is usually forced into marriage to a man old enough to be her father, or even grandfather, by threats and beating. The mismatch is completely ignored. The chras are interested only in doing their duty to the man; the future of the girl is never taken into consideration. Devious arguments are used to force the hapless girl, to brainwash her to step into an unwanted life of servitude. She is subjected to intense 'questioning' over a prolonged period of time, often stretching far into the night, until she wilts under pressure and the glare of the chras. At this moment, no one comes to the aid and solace of the girl, she is totally isolated, not even her mother can come to her rescue. This period of isolation is like a samskara, a rite of passage into another stage of life, characterized by intense suffering. The girl might weep, tremble, feel miserable, lose her sleep; but nothing matters for the chras, for they are men, and they will never encounter such cruelty. Resourceful and brave girls resist in different ways, run away, for home is no longer home to them, but a house of oppression. Conversely, when a married man dies, there is no hurry to find a substitute.

The sense of justice is lopsided, favouring men. In English there is a specific phrase 'fallen woman', but no corresponding term 'fallen man', because such a concept does not exist. In the A'chik society, when there is consequence of illicit relationship, the woman suffers social ostracism, while the man escapes scot-free, with hardly any denunciation from any quarters. The society condones such offences and moral lapses on the part of the man much more easily than it does a woman. There is yet no organisation to fight for the rights and justice for women; old, outdated laws continue to operate. A man can still cohabit with a girl and desert her by paying the still legal fine of rupees sixty, a fine as old as the nineteenth century! Equal rights for women, guaranteed by the Constitution of India with a vision to bring the women at par with men, are still a far cry.

A glaring instance of inequality is seen in the following customary law, enumerated under the sub- title Wife not to beat Husband by Jangsan Sangma, an A'chik advocate and practitioner of law, in his book Principles of Garo Law:5

"A wife is not allowed to beat her husband under the custom. If she does, it would be regarded as dishonour to the husband's mahari and the wife would be liable to pay dai to them. The mahari of the husband would also have the right to kill her cattle and eat the meat the loss of which would have to be suffered by her."

This law implies that husbands are free to beat their wives as and when they please, the act of beating involves dishonour neither to the wife nor to her mahari; and the customary law provides no protective shield to the woman. Thus it is no wonder that wife beating is common in the A'chik society, because the husband is not held accountable.

The attitude to women was no different from that of the patriarchal societies of the plains. There was the same disinterest in educating them; the same thing about the girls being worthless was said over and over again by men of reputed wisdom. In fact there was desire among many young men who studied in places like Guwahati, Kolkata, Dhaka and Shillong to change over to patriarchal system. The debate still goes on today, and there are sections of A'chik people which practice that system, although with a difference. The sense of inferiority is internalized, so that the women themselves support their own subordination.

There is no doubt that western education and conversion brought about a perceptible change in the attitude to women. Many educated parents do encourage girls to study as much as boys, provide them all equal opportunities to take up whatever disciplines they want to pursue. In education and development of skills lie the emancipation of girls from the tyranny of prejudices, enabling them to be economically independent and advance in their career.

Despite the derision and negative attitudes, many women never seemed to give up their self respect and belief in themselves. They

had faith in their own strength, and in one another, and imparted those qualities to the next generation. In A'chik mythology, there is no equivalent of Pandora and Eve, and stories which represent women- blaming. Goddess Nostu Nopantu gave birth to the Earth, Susimema Sangkildoma, the mother goddess gave birth to all created objects on earth, and finally she died giving birth to fire. Minima Kiri Rokkime is the goddess of paddy, and is herself the paddy in the jhum field.

The present scenario is a mix of the traditional past and the changes ushered in by western education, economic and political development. As of today, A'chik women working in institutions of higher education far outnumber A'chik men. In Meghalaya Civil Service men are in majority; the men and women ratio stands at approximately 60:40 ratio. The same goes for doctors and engineers. In the business world women are steadily making headway. In other professional fields women are beginning to emerge, albeit in limited numbers. In politics there is only a trickle of successful women leaders since the establishment of the State of Meghalaya in 1972 and the Garo Hills Autonomous District Council in 1952. Women have also emerged as writers, poets, singers and composers. They manage farms, which now may include tea gardens, plantations of arecanut, coffee, cashewnut, rubber, teak, aloe vera, orchards of oranges, pears and so on.

The secret behind their present success against tremendous odds may be traced to the strength and endurance of the women who asserted themselves. In the traditional life, countless generations of women had toiled at home, and in the fields side by side with men, producing food and commercial crops, while bearing children and raising them. They played a crucial role in the production of those crops, making the society self sufficient, except in a few items not locally available. They bore equal, if not more, responsibility in maintaining a family. The workload was, and still is, much higher for women. Tremendously industrious and creative, they spun out of the locally produced cotton, dyed the yarn, wove textiles with varied

designs and textures, decorated the clothes in their own unique way. They made clay pots and pans for cooking, and jars for storage. They expressed themselves in folk songs, chanted sacred and secular verses, assumed important roles in ceremonies and festivals, played musical instruments, danced side by side with men. Their strength and endurance is also seen in their journey from interior areas to border markets or haats in the past side by side with men, covering an estimated 80 to 100 kilometres, carrying on their back their farm products in their heavily loaded baskets. The journey involved several days. Till today an overwhelming number of sellers of farm products are women. With babies slung across the shoulder, they carry their baskets in all kinds of weather over rugged pathways.

The position of the A'chik women in their society may be viewed from the following quote: "The extent of a society's development is most clearly reflected in the freedom women enjoy, and in the extent to which they are able to express their creativity."⁶

The journey of the A'chik women will go on, where the universalisation of education and their own will power to succeed are bound to play a crucial role in their advancement. ■

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EXISTENTIAL PHILOSOPHY AND FEMINISM IN BAPSI SIDHWA'S NOVELS

Rukhsana Khan &
Dr. G. A. Ghanshyam

In the afternoon they came unto a land in which it seemed always afternoon.

*All round the coast the languid air did swoon.
Breathing like me that hath a weary dream.*

The lines from Tennyson's poem "The Lotus-Eaters" aptly sum up the attitude of the Zoroastrian community concerning its future and existence. Like the sailors in Tennyson's poem, languid air of uncertainty, doubt, and bewilderment seems to have overcome many Zoroastrian as regards existence of the community. They seem to be plunged into a quagmire of self-doubt, hesitation and apathy in spite of the various controversies that develop the religion and future existence of the community as a whole. Amongst those who care, there is a sense of lassitude in spite of the anguish of the possible extinction of the Zoroastrian community itself.

However, amongst a large cross-section of Zoroastrian society, caught in the eddy of twentieth century Western culture of materialism, individualism and splintered personality, the attitude to community and religion is indifferent and at times even negative. Such an attitude is especially prevalent amongst the younger generation of the Zoroastrian community.

This leads to the broader question of what the modern Parsi identify and align themselves with. Zoroastrian community and its future can be viewed from two aspects of whether the identity of the average Parsi is being lost in this modern scientific world of changing traditions, rationalism and materialism or whether the religion itself is being allowed to shrivel away in a bid for progress towards equality and brotherhood amongst people of the world. With a lot of perseverance, shrewd foresight and skill, the Parsis, especially in India and Pakistan, have made a name for themselves in the field of business, and other professional services. Their feeling of group identity and active participation in the social, cultural and economic life of both India and Pakistan is immense. What are the motivating factors which make this smallest religious minority in the world strive for excellence, instead of being wrapped in the throes of survival?

Through *The Crow Eaters* (CE) Bapsi Sidhwa attempts an answer to these queries, by recreating a fictional yet typical saga of a Parsi family and the corresponding social milieu. *The Crow Eaters* describes the social mobility of a Parsi family, the Junglewallas, during the British Raj in the early twentieth century. In just one generation they increased their business from a single general merchant store in Lahore, to a chain of stores in several North Indian cities. The maintenance of identity, in spite of being a microscopic minority, of which Freddy is so proud, is shown as mere public relations, bordering on sycophancy. And where, if may ask, does the Sun rise? No, not in the East.

For us it rises - and sets- in the Englishman's arses. They are our sovereigns! Where do you think we'd be if we did not curry favour? Next to the nawabs, rajas and princelings we are the greatest toadies of the British Empire! These are not ugly words, mind you. They are the sweet dictates of our delicious need to exist, to live and prosper in peace. (CE 4)

The tone of the author is ironic; the sycophancy is shown as a "need to exist". There is protective irony in the novel, balancing personal inadequacies against the contradictions of life itself. Hence

irony is also a mode of acceptance - a type of philosophy.

The process of westernization brought about a radical change, however outwardly, in Parsee life. Knowledge of English in a Christian missionary school was considered essential, not because of superior knowledge but it offered a chance for rapid social mobility. The interaction of two cultures naturally produces tensions when for instance Putli, the wife of Freddy, resists change: "What revolted Putli most was the demand that she, a dutiful and God-fearing wife must walk a step ahead of her husband. She considered this hypocritical and pretentious, and most barbarous."(CE 185)

Putli adapted to what she considered new-fangled customs, when she and her husband were invited to the formal tea-parties of the Government House. The Parsi milieu of Putli had a different value system, which the author highlights "Deep- rooted in the tradition of a wife walking three paces behind her husband, their deportment was as painful to Putli as being marched naked in public."(CE 185)

As regards adapting customs of the British the novel shows the gradual assimilation of British value systems in the Parsi milieu. Putli tried to preserve certain Parsi customs, like walking behind her husband. However her daughter Yasmin after marriage ignores such notions as old- fashioned and vehemently protests at the servile attitude of women, "Anyway it's stupid to walk behind your husband like an animal on a leash- Oh Mother! Hasn't Papa been able to modernize you yet?"(CE 187)

Putli, the earlier generation Parsi, is scandalized by her daughter's seeming relationship of equality with her husband. Sidhwa portrays the changing generations in the Junglewalla family. The new generations, with their increasing economic contacts with the British, like Billy's scrap iron deal, become increasingly westernized. Parsis maintained group identity by their dress, but Behram and Tanya slowly discard the traditional dress. Tanya for instance, still wore a sari, but it was more revealing: "She became daring in her

attire and tied her sari in a way that accentuated the perfections of her body. She took to wearing a little make-up and outlined the astonishing loveliness of her lips."(CE 243) However in form of dress, even Behram is still traditional but wants Tanya to appear westernized and talk English. However at home, he wants his wife to be servile and domestic, always at his beck and call. The novels aptly reveal the Parsi milieu in the throes of change.

The reasons for present-day Parsi struggling for identity in the modern world of changing value systems are their dual existence, namely aping of western value systems, the pulls of tradition, identity crisis and splintered family.

The West is depicted as a set of values in conflict with the value system of the East. Here, quite significantly, the conflict between the two cultures is discernible not only on the social plane but also on the personal level leading to a quest for identity. The Zoroastrian mode of life of Feroza, the Parsi protagonist of *An American Brat (AB)*, clashes with the modern American way of life with its emphasis on material prosperity. *An American Brat*, Sidhwa's fourth novel is set partly in Pakistan and partly in the U.S.A. It tells the story of Feroza Ginwalla, descendent of Faredoon Junglewalla, whose life is, chronicled in *The Crow Eaters*. The time is the late seventies with Zulfikar Ali Bhutto in jail and Islamic fundamentalism growing in Pakistan. Feroza, a sixteen year old girl has been carefully brought up in the small but prosperous Parsi community in Lahore. Zareen Ginwalla, her mother, is perturbed as fundamentalism is affecting her daughter. Feroza has stopped answering the phone because "What if its someone I don't know."

Feroza's orthodoxy attitude and outlook unlike Parsis alarms her mother who complains to her husband about Feroza's attitudes being affected by the laws. She says:

I went to bring Feroza from school today. I was chatting with Mother Superior on the veranda-she was out enjoying the Sun- and I had removed my cardigan. Feroza pretended she didn't know me. In the car she said-"Mummy please don't come to school dressed

like that."She objected to my sleeveless sari blouse! This narrow-minded attitude touted by General Zia is infecting her, too. I told her: Look, we're Parsi, everybody knows we dress differently. When I was her age, I wore frocks and cycled to Kinaird College. And that was in 59 and 60- fifteen years after Partition! Can she wear frocks? No .women must show legs, women shouldn't dress like this, and women shouldn't act like that. Girls mustn't play hockey or sing or dance! (CE 10)

Perturbed at the effect that fundamentalism is having on her daughter; Zareen decides to pack Feroza off to U.S.A during the summer vacation where her brother Manek, a graduate student at M.I.T can look after her. Cyrus accepts Zareen's suggestion, despite knowing the fact that the farthest Feroza and Zareen have ever travelled was across the border to Bombay, as he remember how timidly Feroza had behaved with a young boy in their drawing room a week ago. He says that travel will broaden her outlook and get the puritanical rubbish out of her head

The Ginwallas fail to realize that the journey to the U.S.A will broaden Feroza's thinking and open up further avenues for her. She will become 'modern' in the truest sense of the word. By thinking for herself she will challenge traditional views, static orthodoxy and grow beyond the confines of communality and the norms of a patriarchal society.

Feroza's eagerness, exciteness, her joy knows no bounds as the plans for her trip to the USA are finalized:

Feroza slipped under her quilt fully dressed, her eyes wide open, her mind throbbing with elation. She was going to America! She found it difficult to believe. She repeated to herself, I'm going to America, I'm going to America! Until her doubts slowly ebbed and her certainty too, caught the rhythm of her happiness....(AB 27)

Thus begins the journey for Feroza, from the Third World of conservative Pakistan to the First World of free and liberal America. As soon as Feroza reaches America she is a changed person. Feroza was used to the dour of filth, the reek of poverty: sweat,

urine, open drains, rotting carrion, vegetables and the other debris. The smell of New York repels her and she struggled to adjust to the poverty and stench of filth of the First World.

This was an alien filth, a compost reeking of vomit and alcoholic belches, of neglected old age and sickness, of drugged exhalations and the malodorous ferment of other substances she could not decipher. The smells disturbed her psyche; it seemed to her they personified the callous heart of the rich country that allowed such savage neglect to occur. (AB 81)

Manek had weathered the trauma of culture shock which the New World had buffeted him with and emerged toughened. He wants Feroza to imbibe the progressive and stimulating culture of the U.S.A, become self-sufficient and independent.

Feroza succumbs to America's charms, and after getting a crash course from Manek about how to survive in the states, she is soon on her way, deciding to stay on as a student. She enrolls in a small, strictly supervised Mormon College in Twin Falls, Idaho. Here she discovers the joys and tribulations of American Campus life. Manek's role as guardian, angel is taken over by an American girl, Jo. In this, "small, safe conservative town that cultivated potatoes," Feroza begins to assimilate the independence of mind and spirit and sturdy self confidence offered by the New world, which is alien to her Third World experience and sheltered upbringing. She acts, picks up Jo's manner of speaking and says "may-nayze" and "gimme", and dresses like an American girl. The shy and conservative Feroza turns into a confident and self assertive girl, she learns to drive, dance and use the American slang. The shy Feroza who at Lahore hesitantly talked to young men, now flirts with Shashi, an Indian student at the university of Denver, where she studies hotel management. While she does wonder what her family will think of her, she thinks of this behavior as a form of initiation.

At the same time, she felt she was being initiated into some esoteric rites that governed the astonishingly independent and unsupervised lives of young people in America. Often as she sat

among them, Feroza thought she had taken a phenomenal leap in perceiving the world from a wider, bolder and happier angle. (AB 164)

She even commits the cardinal sin of smoking-to Parsis fire is the symbol of Ahura Mazda and smoking an act of desecration. Her newly acquired confidence and sense of freedom culminates in her falling in love with a Jewish boy, David Press, at Denver.

When Firoza discloses her intention of marrying David, her family in Pakistan is agitated and shell shocked. Zareen, rushes to America to dissuade her rebellious daughter from marrying a non-Parsi. The family's opposition to Feroza's impending marriage represents the predominant traditionalist view of the Parsi community to such inter-community marriages. Sidhwa depicts the growing discontent with such ancient traditions amongst the younger generation of Parsis. Whilst the family is discussing Feroza's predicament, fifteen-year-old Bunny expresses her revulsion at the rigid code by stating. For God's sake! You're carrying on as if Feroza's dead! She's only getting married, for God's sake!

Zareen feels that Feroza's marriage to a non-Parsi would be nothing less than a cultural suicide. Parsi girl marrying outside the faith is expelled from the Zoroastrian religious community. When Firoza does not agree with her, Zareen rages, "I should never let you go so far away. Look what it's done to you - you have become an American Brat."

Zareen charmed by David whom she finds very attractive, regrets that some of the "educated custodians" of her own faith are as narrow as those of others:

This mindless current of fundamentalism sweeping the world like a plague had spared no religion, not even their microscopic community of 120 thousand. (AB 305-6)

She begins to understand the logic of the younger Parsi's opposition to the prohibition. Her predilection for mixed marriages is, as for the Parsee community itself, an existential necessity she muses.

Perhaps the teenagers in Lahore were right. The Zoroastrian

Anjumans in Karachi and Bombay should move with the times that were sending them to the New World...The various Anjumans would have to introduce minor reforms if they wished their tiny community to survive.(AB 288)

Zareen is now trapped in paradox. Intent on breaking up, Firoza's relationship Zareen uses the tactics of "If you can't knock him out with sugar, slugs him with honey". To thwart the marriage she pretends to agree to the marriage but insists on the rituals and ceremonies which she knows will frighten David, a very private and reserved person. David's attraction for Feroza weakens. Zareen leaves, her mission accomplished. Initially Feroza feels depressed but gradually recovers, However she does not compromise and remains firm in her resolve to not to submit to the dictates of Parsi laws against inter-community marriages. She expresses her conviction towards the end of the novel thus:

There would never be another David, but there would be other men, and who knew, perhaps someday she might like someone enough to marry him....It wouldn't matter if he was a Parsi or of another faith. She would be more sure of himself and wouldn't let anyone interfere....As for her religion, no one could take it away from her, She carried its fire in her heart. (AB 317)

Firoza is surer of herself and her choices. She also understands that no one take away her religious beliefs. It is her boldness now to think of attending the religious Fire Temple in Bombay if not in Lahore or Karachi. She takes out her Sudra and Kusti, says her prayers invoking Ahura Mazda's blessings and favour. For Feroza there is no going back. She has tasted the fruits of freedom and does not wish to be bound by the traditional ways of her community. Though she does not discard her religion and is at peace after saying her prayers, she wants very much to live the life of a free bird. From the innocent naïve child, Feroza has now become a confident young woman. She has decided to chart her own cultural heritage. Journeying through the Pakistani Islamic Culture and Western Culture of America, hers will be a new way of life. Her

personal religion intact is now coupled with the Western freedom to choose her lifestyle. Thus Feroza achieves a synthesis between tradition and modernity. If the New World offers Feroza adequate social space to grow, Zoroastrianism provides the ultimate emotional and religious space to her.

Sidhwa's female characters in all her other novels are equally stronger to the men who run their lives; in the way that they resist the limitations of the definition of "woman" which circumscribes their identity. Her female protagonists refuse to accept the narrow and constructing roles assigned to them under vague terms such as "honour", "shame", and "modesty", among others. Sidhwa's narrative articulates the pain and injustices endured by these victims who are otherwise made to suffer in silence and whose protestations are denied a voice.

Zaitoon, the female protagonist of *The Pakistani Bride* (PB), belongs to the next generation. Though she is brought up in Lahore, and even educated a little, yet she is forced to marry Sakhi, against her wishes. Once married to Sakhi, her life is miserable. She is abused and battered routinely. She decides to flee from her nightmarish world. This is the first and only choice she makes in the novel. With barely enough food for a full meal and with a blanket, she ventures through the unfamiliar hills towards the bridge across the river. However she is saved by the Major. Zaitoon's escape to freedom is a great victory against the system. That the system is indeed oppressive becomes clear even to old Hamida, Sakhi's mother, though she herself belongs to the tribes, "She who had been so proud and valiant and whole heartedly subservient to the ruthless code of her forebears, now loathed it with all her heart." (PB191) However she is too old and weak to change anything. Farukh recites at Carol's request.

Sidhwa uses Iqbal's poetry to pay the ultimate tribute to Zaitoon's struggle.

Khudi ko kar buland itna,

Heighten your "Khudi" to such majesty

*Ke har takdeer say pahalay
That before every turn of fate
Khuda banday say khud poochey*

God himself asks man-

"Bata teri raza kya hai?"

"Tell me what do you wish?"

"It's like a prayer," said Carol.

"You know, the girl who ran away? I think she forced her destiny; exercised her 'Khudi' I am sure she'll make it. (229)

Zaitoon is a symbol not only of woman fighting oppression in Pakistan but of the human spirit struggling against all physical odds to survive and maintain its integrity. Zaitoon represents khudi or the mental or the spiritual strength of human kind, indefatigable, indomitable, and repressible. She represents the triumph of mind over matter, of spirit over flesh. It is only such strength that can withstand destiny. Thus portrays a great idealism, a philosophical outlook which shows the primacy of the human spirit over physical and material obstacles. ■

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UNHEARD VOICES : LESBIAN-BISEXUAL WOMEN IN INDIA

Rituparna Borah

"I love women... being a woman to love a woman is a difficult thing, because it is not at all accepted by our society... there is silence, I cannot tell my parents about me because they will not accept me...I know I am different than many of you... but I am not scared that I am different.. In fact I am proud that I am different" says Naina(name changed) a 28 year old queer feminist activist based in Delhi.

Difference makes everyone uncomfortable. Fear of anything that is different than the 'norm' raises several questions and gives rise to intolerance in the society. Difference in sexual orientation raises more discomfort than any other difference. This article seeks to look into lesbian and bisexual women's human rights violations in India. It will also look into the Indian women's movement and its attitude towards lesbian and bisexual women in India.

Introduction

Women's sexual rights in India are not even seen as something that requires discussion or any discourse. However, the presence of a strong women's movement has made possible to bring in issues of domestic violence, rape in the public discourse. Feminists continue to write theories and agitate about sexuality in terms of reproductive

health, rape and domestic violence, caste and communal conflict worked out on the bodies of women, police and about the more quotidian forms of gender-violence as manifested in sexual harassment, especially in the work place. Because of these attempts by the women's movement, survivors of rape, dowry, and harassment abduction have been able to come and testify against the crimes them and have also been able to access justice. The state has begun to acknowledge, at least theoretically, women's needs - for childcare facilities, workplace safety, equal wages, and benefits, rights to strike and unionize. There is legislation albeit controversial, regarding political representation of women, reproductive rights and sexual health.

However, these attempts have been made taking in consideration the rights of a heterosexual married women's rights, issues and concerns. When it comes to issues of homosexual women-or same sex loving women, the movement has decided to remain silent. Though activists from the women's movement individually have extended support at various points, the movement as a whole has yet to take issues and concerns related to homosexual women out in the public arena. Personal is political' - the rallying point of women's movement has not been much applied in the realm of sexuality and pleasure. Sex for pleasure has traditionally been a taboo for women, who are expected to merely "submit" to the sexual act to satisfy their husbands and produce children, preferably a son.

The Lesbian-Bisexual women's movement in India

Before understanding the lesbian bisexual women's movement India, we need to look at the LGBT movement in India.

The Lesbian-Gay-Bisexual-Transgender(LGBT) movement in India has been in this country for more than a decade. Though homosexuality is regarded as a taboo in the Indian society, there is a vibrant LGBT movement in India. Because of the presence of this movement, India became one of the countries where the archaic

Section 377 of Indian Penal Code was read down and consenting sex between two adults was decriminalized.

Section 377 of the Indian Penal Code is a piece of legislation in India introduced during British rule of India that criminalizes sexual activity "against the order of nature. Section 377 says, "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for term which may extend to ten years, and shall also be liable to fine." Though this section did not mention the word 'homosexual', it was assumed that only homosexual men indulged in anal and oral sex. (Under this section, only peno-vaginal sex was regarded as natural)

Because of the presence of this law, several homosexual men were tortured, blackmailed by the police and the society. Lesbian and bisexual women did not fall into the purview of this law. However, the mere presence of this law pushed these women into invisibility. Groups joined hands to fight against this archaic law. Many lesbian and bisexual women joined the movement against 377. In a historic judgment delivered on 2 Jul 2009, Delhi High Court overturned the 145 year old section decriminalized consensual sex between adults.. The essence of the section goes against the fundamental right of human citizens, stated the high court while striking it down. In a 105-page judgment, a bench of Chief Justice Ajit Prakash Shah and Justice S Muralidhar said that if not amended, section 377 of the IPC would violate Article 21, 14 and 15 of the Indian constitution.

The two judge bench went on to hold that

"If there is one constitutional tenet that can be said to be underlying theme of the Indian Constitution, it is that of 'inclusiveness'. This Court believes that Indian constitution reflects this value deeply ingrained in Indian society, nurtured over several generations. The inclusiveness that Indian society traditionally displayed, literally in every aspect of life, is manifest in recognizing a role in society for everyone. Those perceived by the majority as "deviants" or different are not on that score excluded or ostracized.

Where society can display inclusiveness and understanding, such persons can be assured of a life of dignity and non-discrimination. This was the 'spirit behind the resolution' of which Nehru spoke so passionately. In our view, Indian Constitutional law does not permit the statutory criminal law to be held captive by the popular misconceptions of who the LGBTs are. It cannot be forgotten that discrimination is antithesis of equality and that it is the recognition of equality which will foster the dignity of every individual."

As a woman, and as a feminist, I feel that it is very important to look at the lesbian and bisexual women's movement separately from the larger LGBT or Queer movement. This is because lesbian-bisexual women are marginalized on the basis of their gender and then because of their sexuality. They face a double whammy as compared to gay men. This is not to say that a gay man has more liberties and is accepted well by the society, but emphasizing on lesbian -bisexual women and their struggle is very important while talking about the LGBT movement in India.

Kolkata-based 'Sappho' was formed in 1990 to develop public recognition of the rights of a lesbian to a life of self-respect and acceptance. "Originally, the group only consisted of my partner Akanksha and myself; we were very eager to share our joy and agony with people who would understand us. With this in mind, we contacted the 'Kolkata Gay Club' and 'Mumbai Street Samiti' and came in touch with people who were in the same position," said co-proprietor Malobika. In 1998, there was a flare-up against lesbianism in India. This happened when Deepa Mehta's film "Fire" was screened in India. Several right wing groups including right wing women's groups burnt the posters of the film, attacked halls and stopped the screening of the film in several places. "An Indian women needs to be protected from this attempt to demoralize and corrupt her. A majority of women in our society do not even know about lesbianism. Why expose them to it. (Meena Kambli, a deputy of the Shiv Sena leader Mahila Aghadi). At the same time, the attacks on the film, the responses to the film and the protests

pushed women's groups, human rights groups and secular organizations to address the lesbo-phobia which prevailed (and still prevails) within large sections of Indian society. For the first time ever in India, lesbians were visible among the other groups marking the precise nature of their annoyance. In the midst of placards about human rights, women's autonomy, etc was a sign painted in the colors of the national flag: 'Indian and Lesbian'.

These demonstrations subsequently gave birth to the Campaign for Lesbian Rights(CALERI), a group of individuals who strongly believe that discrimination on the basis of sexual preference is a violation of basic human rights. The Campaign for Lesbian Rights was a group of individuals-lesbian, gay and straight- and organisations who feel strongly that discrimination on the basis of sexual orientation/preference is a violation of basic human rights. The Campaign sought:

- to make lesbianism visible and dispel the myth that there are no lesbians in India
- to create awareness about lesbian issues and concerns
- to develop public and state recognition of the rights of all lesbians to a life of dignity, acceptance, equality and safety.

Resistance to lesbianism

"The film was against Indian traditions and should be banned. If women's physical needs get fulfilled through lesbian acts, the institution of marriage will collapse. Reproduction of human beings will stop"(Petition by an eight-member delegation of the Mahila Aghadi who met the then Maharashtra Minister for Culture Pramod Navalkar)

This critique of the film shows the anxiety of the society towards homosexuality. The institution of marriage through its control over women's sexuality has always been a critiquing site for women's movement. With its 'personal is political' agenda women's movement has been able to address issues of domestic violence in the public discourse now. Right to abortion, campaign against female

infanticide and feticide has also being taken out of the personal space and discussed politically. Marriage as an institution controls women's reproductive labour, sexual labour and productive labour. And it is the ultimate tool of oppression for women. However, with same-sex relationships this institution of marriage will definitely collapse. This breaking down of marriage as an institution is met with severe criticism from the vast majority of the society.

Another issue with regard to lesbianism is the fact that according to norms in patriarchy women are not meant to think about their desires. Sex for pleasure has never been an accepted norm for a woman in this society. Women are meant to get married and reproduce heirs so that the properties of their husbands get transferred to a legal and legitimate heir. Same sex relationship between women is a threat to this norm and hence there is severe resistance in the society to lesbian and bi-sexual women.

Women's Movement and Lesbian-Bisexual movement

As mentioned earlier, the women's movement in India was silent on issues pertaining to same-sex desiring women for a long time. There were several reasons behind this resistance. Nirantar is a centre for gender and education which is based in Delhi. As a part of the organization, I was involved in a series of workshop that Nirantar did with community level women headed NGOs in North India on sexuality. Therein the workshops one common theme that came out was the image of an activist gets hampered when she starts working on issues of pleasure. As long as one works on violence and violations (though it has its own struggle), an activist is well respected in the society. The moment she starts working on issues of pleasure, the respect diminishes and society starts pointing fingers at her and her character. These fears have many a times hampered the inclusion of lesbian-bisexual women's issues in the women's movement.

The inclusion of issues of lesbian-bisexual women in the women's movement was not a easy process. For several years

though individual activists were part of the lesbian-bisexual women's movement, it took much effort to include these issues in the mainstream women's movement. "For instance in February 1992 a letter to the editor was signed by over three dozen women in response to a report that appeared on 29 January 1992 in the national daily Indian Express, headlined 'Lesbian Group in Kerala School'. The letter stated that the suspension of these girls from school on the grounds of homosexuality was a violation of their fundamental rights. Some of these signatories were from the women's groups but they chose to sign as individuals" In 1994, the mass-based, leftist national Federation of Indian women(NFIW) formally demanded that the Prime Minister ban a conference on homosexuality being held in Mumbai, alleging that such activity was a sign of 'decadent Western Culture'. The Delhi based group Jagori wrote to other women's groups, seeking their response on this 'controversial' issue: 'We are aware of the difficulties surrounding this issue but this should not stop us from informing ourselves by the conditions and struggles of people who have been silenced by the arrogance of certain views...'

As recalled by Jaya Sharma, a feminist queer rights activist in India," As a member of PRISM, a queer, feminist activist group, I was involved in raising the issue of lesbian suicides with autonomous womens' organizations who were part of the campaign. In the previous four months there had been several cases of lesbian suicides reported in the press. The response of the women's groups was positive. They said 'why don't you raise the issue and we will support you'. We in turn asked of the women's groups whether the issue of lesbian suicides was not intrinsic to the agenda of the women's movement. It was this approach that was articulated in the leaflet that was then jointly brought out by PRISM and a number of organizations including womens' groups.

The leaflet stated

"Apart from rape, sexual harassment, and bride burning, violence against women happens every time a woman is married

against her will. It happens every time a woman feels guilty for wanting to be happy and every time that a woman must die because she is unacceptable to society.

Lesbian suicides are a result of society's attempt to restrict women's choices and control their lives.

We protest these Deaths as Violence Against All Women"

However, there were several other instances where women's movement took issues of lesbian-bisexual women on board. The national conference of women's movement (Nari Mukti Sammelan), held at Ranchi on December 1997, made the following declaration "We seek the right to make choices about our lives, our bodies, on sexuality and our relationships. Some of us are single, some of us are married, some of us have our primary emotional/sexual/physical/intimate relationship with men. Others with women. Some with both. Some of us do not have sexual relationships. We feel that we must evolve the supportive structures that can make all of these choices a meaningful reality.

Other such instances were the formation of CALERI and formation of Voices against 377 . 'Voices Against 377' is a coalition of Non Governmental Organisations (NGO) and progressive groups based in Delhi. These groups included women's organisations, child rights groups, LGBT and Queer groups, Human Rights groups and several individuals.

Human rights Violations faced by Lesbian-Bisexual women: Silence and invisibility

One of the major human rights violations faced by the lesbian, bisexual women in India is invisibility and silence. Because of the presence of HIV and AIDS funding, media etc gay identity has been more prominent than the lesbian identity. Friendships between women have been recognized in the history. There are mentions of women-women friendships in Indian mythology and history. There are mentions of "Sakhi" in the Indian mythology and history. However, these friendships do not have the same status as that of

men-men friendship or men-women friendships. This phenomenon is also seen in the recent film, be it 'Dil chahta he, Dosti, Qurbaani etc'. However, some queer feminist activists emphasizes on women-women friendships. However, too much focus on friendships can lead to de-eroticizing women-women love. This de-eroticization can lead to more invisibility and silence. Lesbianism is beyond a simple friendship between women. Until and unless the sexual and erotic element is not addressed along with other issues of human existence lesbian-bisexual women will more into more invisibility and silence.

Though the film "Fire" showed the sexual intimacy between two women, this film had issues and critiques coming up from the lesbian feminists. The film depicted of sexual relationship between two women when their husbands abandoned them or failed to satisfy them. Same sex relationship between women has always been seen as a result of man failing to satisfy them, which is definitely a problematic way of seeing and analyzing lesbian relationships.

Because of this invisibility lesbian women lead a life of anxiety and doubt. As a part of growing up not finding any reference to women loving women experience can be scary and tormenting for a girl who gets attracted to another girl. Many LGBT people have narrated stories where they have mentioned that as a child they felt lonely and guilty because they were not like other kids of their age.

Silence about one's sexuality is also a huge phenomenon . To be not able to tell who you are and to live a life that you do not want to live is a violation of rights of an individual. The patriarchal structure of the society does not allow women to express her desires - be it the desire to eat, dress or to choose a partner of her choice. Lesbian bi-sexual women many a times have to suppress their desires because of stigma attached to being different. Breaking of sexual norms can also lead a woman to lose the little rights that she can enjoy in her family and society.

Violence by family

Though family is regarded as a sacred place for an individual, lesbian and bisexual woman faces violence in the family at an

extreme level. From not recognizing the sexuality of the lesbian bisexual women to forced marriage and disinheritance, lesbian -bi-sexual women have to face severe human rights violation in the family.

Marriage has always been seen as the ultimate aim in a girl's life. Everything she does in her life has to revolve around marriage. Be it parents telling girls to learn to cook, to clean to be obedient, choice of profession has had its roots in marriage being the ultimate goal. Though lesbians have not been thrown into jails because of the presence of archaic law, they have been blackmailed and forced to get married according to the family's wishes. It is sometimes believed that marriage is a cure for lesbianism. Sometimes families force lesbian daughters to get married to avoid the shame or to cover up the identity of their lesbian daughters. Forced heterosexual marriage is not only a denial of a lesbian's human rights to personal liberty and autonomy, it is also an assault on her sexual identity as a lesbian, and thus an assault on one of the most deeply felt and central aspects of her personal identity. Because when a lesbian is forced to get married she is also forced to live a life that is abhorrent to her identity. 'Women are not only prevented from expressing their sexuality, they are forced to go in the complete opposite direction in living and having sex with someone they really don't want to,' says Rex Watts, co-ordinator of the Bangalore-based support group Sangama.

According to Sahayatrika, an LBT(lesbian, bisexual transgender) group based in the South Indian state of Kerala, the impact of violence is different because there is no social recognition of lesbian identities and relationships or changed gender, and in much of India same sex is criminalized. Forms of violence include forced marriage and punishment by family members for exercising sexual choice. Types of punishment include home confinement, family expulsion, denial of economic and material resources, forced psychiatric treatment, and forced termination of education. Lesbians are also vulnerable to being evicted by landlords and to police

violence, which sometimes occurs in collusion with family violators. Staying in the violent home often means curtailed physical mobility by husbands and family members and social isolation.

'There have been many cases where women have been raped by their husbands, their brothers, even their fathers, in a bid to "cure" them,' says Betu Singh, co-ordinator of the Delhi-based support group Sangini. 'Some have been locked in a room for days and starved until they admitted it was all lies.'

"I was thrown out of my rented house when my landlords found out about my identity. I could have lodged a case and brought the matters to court, but I know I cannot tell about my identity openly. My parents will forever leave me and I will have no security. So I decided to just leave the house", says Reema (name changed), a 29 year old lesbian woman and an activist in Delhi. There are laws against crime against women in India. However, victims themselves don't turn to the laws for protection because they lead double lives and exposing the violence invites disapproval, rejection, discrimination and further violence.

Lesbian Suicides

Times of India dated 24th Jan 2011 reports, " Sonapur (South 24-Parganas): Two teenage girls committed suicide in a village in South 24-Parganas, apparently disillusioned about their future as a same-sex couple. Police found the bodies of 19-year-old Bobby Saha and 17-year-old Puja Mondal after breaking down a door of Bobby's house in the Tripura Sundari area of Boral in the wee hours of Saturday. The post-mortem report says they took poison together and lay down to die, clutching each other's arms. "It appears that the two girls were in a relationship but they were depressed about the uncertainty of their future, which is why they committed suicide," said police superintendent L N Meena."

This is not the sole incident of lesbian suicide in the country. Several lesbian women across the country have committed suicide because of not been able to stay with each other. Several incidents

of suicides have been reported and some are yet to be documented. Times of India Hyderabad edition reported on 8 march 2009 that, "In a shocking revelation, a shadow organization, The Lesbian Society, has brought to light 13 recent cases of lesbian suicide in the city, a day prior to International Women's Day. The organization is sending SMSes to eminent women's rights leaders in the city seeking their support."

Compulsory heterosexuality

Adrienne Rich introduced the concept of compulsory heterosexuality in her writings, most notably in her 1980 essay "Compulsory Heterosexuality and Lesbian Existence." Rich was one of the first public intellectuals to challenge the idea that heterosexuality is the natural expression of human sexuality and that other forms of sexuality are deviant. Compulsory heterosexuality is the assumption that women and men are innately attracted to each other emotionally and sexually and that heterosexuality is normal and universal. This institutionalization of heterosexuality in our society leads to an institutionalized inequality of power not only between heterosexuals and non-heterosexuals, but also between men and women, with far reaching consequences. Under a regime of compulsory heterosexuality, men control all aspects of women's lives, including their sexuality, childbirth and rearing activities, safety, physical movement, labour, and access to knowledge. Compulsory heterosexuality leads to discrimination against homosexuals and the intolerance and/or invisibility of gay men and lesbians in society.

Under compulsory heterosexuality marriage becomes a norm followed by procreation. Without marriage a person is considered irresponsible, incomplete and unsettled. This assumption of compulsory heterosexuality has forced lesbian-bisexual women along with gay and transgender people into margins. The lesbian-bisexual women's movement has opened gates for the women's movement in general to questioning 'compulsory heterosexuality' and marriage as an institution to a large extent.

Violence against Women and inclusion of lesbian bisexual women

There is a mushrooming of several women's organization in India which has started working on issues of Violence against Women. In various parts of Assam also we could see such women's organizations working on issues of Violence against Women. However, are these organizations taking up cases of violence faced by lesbian-bisexual women? If these organizations are committed to reducing incidents of violence on women, will violence against lesbian and bisexual women not be an agenda for them? As mentioned earlier, to include lesbian-bisexual women's issues in the women's movement was a long process, however, it needs to be recognized that if we are working on issues of women, we cannot leave aside issues pertaining to lesbian-bisexual women. Nowadays, in metros and cities, there are several organizations and collectives working on issues of Lesbian-bisexual women. However, smaller towns and villages do not have the luxury to have separate collectives working on Lesbian-Bisexual women's issues. So when organizations work on Violence against women, can violations faced by lesbian-bisexual women (who are women by birth) not fall in their agendas? It is important not only to work on violence faced by lesbian-bisexual women, but awareness raising on these is also an urgent necessity.

Conclusion

Though it's a struggle for lesbian-bisexual women to survive in this patriarchal society, several positive steps and initiatives have helped them survive and live a life of dignity and freedom. In several metros and big cities, there are collectives which are working with lesbian-bisexual women and transgender people. These collectives and organizations have help lines and counselors who help these lesbian-bisexual women in times of crisis. There are short stay homes in some organizations. Mention may be made also of a positive change in the women's movement towards lesbian-bisexual women. Several people have criticized issues of sexuality as an elite

issue. In this regard mention may be made of collection of real life stories of lesbian women by Maya Sharma. These stories are based in rural context. "We wanted to dispel the myth that lesbians in India were all urban, westernized and came from the upper and middle classes. And we wanted to create a space for voices with little or no privilege, providing us with an opportunity to share our lived realities with one another and with the others."

There is a long way to go for recognition of lesbian-bisexual women's rights and relationships in the society. It is still an uphill task to make these relationships visible and accepted. However, the fact that these issues are now getting addressed though at a smaller level in various conferences and discussions is a hope towards greater recognition and inclusion of lesbian bisexual women in our society and our discourse. ■

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ON BUTTERFLIES AND TYPHOONS: WHY MY SHORT SKIRT HAS NOTHING TO DO WITH YOU

Madri Kakoti

Slut: a woman who has many sexual partners (Oxford Advanced Learners' Online Dictionary, <http://www.oxfordadvancedlearnersdictionary.com/dictionary/slut>)

'Yo, ssup?'

'N'thn much man, doin sum bkgrnd research 4 n artcle on the slut-walk...'

'slut-walk?'

'A mvmnt hpng in many plcs in d world in d lyt of a comment made by a Toronto thulla... d freak said women shdnt dress lyk sluts if they dnt wanna be harassed. So women across d world hv cum out, dressed in their flimsiest best n daring every1 to try...'

'I m nt sure what I shd b applauding... d cause or d bodies...LOL'

'What happened Gauri? Where are the pakodas I sent you to get?'

'Nothing... nothing happened, let's just go...' she said amidst sobs.

'You have to tell me, I am your friend right?'

'That man tried to run his hand up my t-shirt...it was awful!'

'What the f***? Why didn't you shout? Why didn't you hit him hard?'

'No no... What will everybody think about me? They will say I am a slut...'

'But Gauri, you must speak up against what is wrong... you must speak up for yourself, otherwise who will?'

'Just let it be Madri, I don't want to talk about this anymore...'

And we didn't.

'Ma, a girl was raped yesterday in front of a college in South Campus...'

'Why? What was she wearing? What was she doing out so late at night?'

***)

When Constable Michael Sanguinetti woke up that fateful morning, little did he know that he would be the butterfly that would set in motion typhoons across the world, little did he know that he would expose the hypocrisy of authorities so lost in the game of blame-the-victim that they have forgotten what justice looks like and little did he know that he would be the one to shake women across the world out of their sleep induced by the tablet called risk management force-fed by the society and make them walk together to reclaim the streets as their own. After all, when you pay too much attention to your flashy wings, you hardly know of the hurricanes you leave behind!

There has been so much of talk about, against, for and around the slut walk that when I began to write this expression-of-opinion on the same, I was stumped. What new do I say about this? What else? Everyone in the elite intellectual circle already knows about it or is at least talking about it. Everyone in the other circle too is doing the same. Where does that leave me? Do I stand with it, walk it or take the opposite direction? Do I support it and risk being branded a 'slut' (which my mother says is the most possible outcome of such an act) or do I and my sex risk being pushed into the receiver's side (read loser's side) of the blame game that the usual authority figures play in the case of any kind of harassment? I jogged my memory across the woman's life I had led so far, I didn't need to think one more time.

The typhoon began when one Constable Michael Sanguinetti had been invited to the York University Safety Forum to deliver a speech on crime prevention, and boy o boy, did he speak! The

member of law enforcement in a fit of arousal that accompanies the realisation of being in the authority and capacity to patronise, being the 'man' and that too the one getting to throw some orders about, announced, 'Women should avoid dressing like sluts in order not to be victimized.' But then, it wasn't really his mistake. Someone clearly forgot to tell Sanguinetti, or millions of others like him who seem to think that men are the pillars of the society (pun intended), they must not be questioned at whatever they do, and if they sometimes falter in their usually impeccable judgement, then the fault must lie somewhere else, that women do NOT ask for their dignities, their self esteems, their lives along with their vaginas to be ripped apart. And that, every single woman, no matter in which ever corner of the world she stays in, feels the same way.

The Slut-Walk Toronto started after the Constable was done speaking. On April 3, 2011, the women of Toronto defying all definitions that society had attached to them came out to claim the streets, their bodies, their choices as their own. Sanguinetti represented all those in the world who have since forever rationalised such inexcusable behaviour as rape and assault in a carefully created environment of victim blaming. Women across all ages carrying banners and announcements like 'Sexually active male= STUD, Sexually active female=WHORE?', 'I did not ask for it,' 'This is not my 'I WANT you face', 'Believe it or not, my short skirt has nothing to do with you', 'Don't tell us how to dress, tell men NOT to rape!' came out against him and against every single person he stood for, deeply hurt, bruised and at the same time excited by the vigour that the comment had inspired in them. Similar rallies have been held and are scheduled to happen in many places around the world. Women everywhere, sometimes a handful and sometimes street-full, have resolved to stand up against the slight that society has been dealing them since ages. India, is fortunately, not far behind.

The Indian Slut-Walk was supposed to happen on the 25th of June, but postponed due to certain undisclosed circumstances. It's not difficult to fathom. I mean, it's India after-all. First, the

organisers were made to change the name of the event to Besharmi Morcha and then, a request (read instruction) was made of the participants to not dress inappropriately. The message was to be that in India, women get assaulted no matter what they wear (why they think that the other countries missed this logic is beyond my comprehension). I for one, couldn't help but tell my guy friends that the Indian government didn't trust a single man in the capital to be in his right minds if he suddenly saw so many women parading about in clothes that could inspire mass honour killings. Some were outraged and some (to my horror) agreed that 'beer ki barish ho rahi hogi to kaun muh bund rakhega?' (It would be a fool who will keeps his mouth closed if it is raining beer.)

So... the Indian Besharmi Morcha was stalled, only leading to debates across the Indian internet fraternity whether the country understands the concept at all. I may not know about the slut walk, but there is one thing I am sure of- that there is no connection between sexual violence and clothes is a concept that the Indian society conditioned just like Sanguinetti cannot possibly understand.

We, both men and women, have been fed fat on two concepts since thousands of years:

'Aurat ghar ki laaj hoti hai' (read usse ghar me hi bund rakho) and 'Sharm hi aurat ka gehna hota hai' (read: it's a sin to be aware and proud of your body if you are a woman)

We have forever associated honour with the woman of the house. And this honour must be protected under layers and layers of clothing. An ideal woman in this Indian mind turf is one who peeks at her would-be arranged-husband from under the meter long veil and shies away from any show of confidence on the wedding night, who keeps shut if there is any violence involved in 'doing-her-duty towards her husband and thereby, doesn't wash dirty linen in public'. It is the topmost priority of her life, to save the family's honour, so much so that when a threat to this honour rises, e.g when a daughter commits the sin of falling in love without the prior permission of the father or the brother, when a daughter dares wear

jeans and t-shirt and ride a friend's bike, she must be killed. Nowhere else but in India are there examples of honour killing, nowhere else are there examples of panchayats meting out decisions of gang-rape of the elder sister when her younger brother falls for a woman of the higher caste in the village, nowhere else do courts order getting married to the rapist as a solution for the grossest of violations of female space. Sexual violence has always been used, not just in India but probably everywhere else, as a method to show the woman 'her place'- in the house, in the office, at the bus-stop, in front of the college, during the day, at night... every time, every where. There is no reason why sexual violence occurs other than that screwed and perverted individual who at the heat of the moment, doesn't care about keeping his thing in his pants. To blame the victim saying that she was dressed provocatively is nothing else but a loophole that patriarchy has created for its own sweet purpose, because if your man shoots at the sight of a few inches of exposed skin than it is you Mr. Society who should be ashamed for bearing such pricks.

The Indian capital alone reports for 25% of the sexual assault and rape cases reported in the country (2009 data provided by the National Crime Reports Bureau), a total of 203,804 cases of crime against women were registered in 2009. According to the official statistics of 1991, one woman is molested every 26 minutes in India and these statistics refer to the reported cases only. Whereas, if the unreported cases were to be included, it would be a matter of seconds- rather than minutes. Larger belief is that more than 80% cases are not even heard of. A system of natural selection, biology and genetics has rendered woman physically weak, unable to defend her-self when an attack happens; and another system of social oppression, conditioning and a number of virtues and morals applicable surprisingly to women only, have left her emotionally deprived of the support that she deserves after the attack happens, even from her-self. Just like Gauri, there are thousands of women in the country who believe what happened to them was either their fate or their fault.

And that's why India needs a SLUT- walk and NOT a mellow Besharmi Morcha. People, authority figures, society, patriarchy- everyone needs to be jarred awake by the proud display of each woman's confidence in herself, each woman's belief that no longer can she be shackled under the garbs of honour and shame in the name of risk management, each woman's awareness that if she is assaulted, sexually abused or raped, it is NEVER her fault, no matter what whoever says. The hypocrisy of a society that reserves prudence, loyalty, coyness all for its women and allows free reign to its studs, that dares say that women must dress properly if they don't want to be raped; when 53% of its children face sexual abuse when kids, that is blind enough not to see that women are exposed to sexual violence no matter WHAT they wear must be exposed. This Slut Walk like every where else, must be a symbol of subversion- subversion of the gaze the woman has forever been subjected to, irrespective to the gender of the one subjecting her to it. This constant gaze has led to women across all ages, all professions and at all times to have been called sluts. Dictionaries have unequivocally, defined the term slut as a woman with many sexual partners. The definition has become very loose over time, especially now when the modern age has forced the woman to reveal colours so far forcefully hidden or consciously ignored (I was overjoyed when Anurag Kashyap proved why he is one of the other circle artists of the film industry when he used the term for his male protagonist, who predictably, had no control over his soaring libido in the movie DevD). 'Slut' has been used to address a woman or more usually, talk about her in a degrading manner, who is sexually active, sexually confident (which by the way, has nothing to do with the number of partners she has), who is confident in her usual; day-to-day manner of carrying about her life, who is strong, successful AND earning more than the one who is talking about her, who is so beautiful that a certain kind of emotions are difficult to control, who knows she is beautiful and is not afraid to flaunt it, who is at ease with her body and her self, who is you, who is I and who is every other woman who has not stayed

inside the perimeters set for her by anyone else but herself. The Indian Slut- Walk must revel at the most closely guarded insecurities of the Indian men, no... all men, that the use of the term today, implies- that they are scared! They are scared that their easy, well structured patriarchal frame will fall apart once they realise that the foundation itself is rotten and so, they pound more pressure than ever, psychological, physical, societal and emotional on their women to remain in 'their correct places'. But as my fourth grade teacher had told me, the largest of bullies are always cowards, and it's time that the woman in India too, rise up and say 'I have had enough'.

As my friend Shruti Sareen writes in a poem titled Being Belindas

(a response to Pope's Rape of the Lock),

*The mirror hangs before me
My long face stares back at me
a pointed chin
whose rounding I dread
A tiny forehead
gleaned from the thick mass
of black hair surrounding it.
At the black hair
now streaked with red
I oscillate between
fascination and nostalgia
The hair, mostly helter-skelter
sometimes, precise in a bun

A glazed eyeball
with its bit of plastic-glass lens
A newly pierced nose-
a shade too large
showing off that li'l bit of green
My ears trying to seek attention
with their multiple studs and rings
which I regard as pets
And a moody mouth.*

*but on the whole, a face
I can live with.
My skin the colour
of burnt caramel
a thin, supple body
I am unashamedly
in love with.*

*Bottles and vials lined
in an array on the slab beside me
the daily ritual
of cleansing, toning, conditioning
the creams and the perfumes
the chief kohl that lines my eyes
the earrings in their silver box
the cupboard with its
greater assortment of clothes
than i could ever wear
the occupational hazards
of being a young girl.*

*Oh Pope, and other misogynists!
We love being Belindas
and Belindas we shall remain
with our bottles and our vials
our bibles and our billet doux
and we rebel against rapes
of our locks and otherwise.
our bodies and their vagaries
and tricks we play with them
are ours.*

*And not playthings or objects
for your phallus
or that inglorious phallic symbol
your pen.*

The Indian Slut must walk and must walk tall. ■

WOMEN'S EMPOWERMENT AND THE NORTH EAST : SOME FINDINGS FROM NFHS

Sourindra Mohan Ghosh

Introduction

Empowerment of women has been one of neglected topics that modern societal values have opened in front of us. It is fundamentally important from the point of view of ensuring basic human rights for a woman that she is entitled to. But such basic human rights are often infringed upon by stereotypical societal norms that rigidly attribute socio-economic roles to a human being on the basis of sex. Our gender thus emerges. In India, the North East (NE) region adds to the complexity to this issue in at least two ways: it is a highly understudied region in our country, and it provides a unique setting in terms of social and cultural institutions and practices vis-à-vis the rest of the country.

In this article, we will analyse data from the National Family Health Survey-3 (NFHS 3). In NFHS 3, interviews with more than 120,000 women of age 15-49 years were conducted throughout India. It is the third in a series of national surveys; earlier NFHS surveys were carried out in 1998-99 (NFHS 2) and 1992-93 (NFHS1).

Indicators of Empowerment - NFHS 3

NFHS 3 provides a wide range of indicators that can be used

for analysing women's empowerment. In this article, we will focus on three sets of indicators that capture the experiences of daily lives of the women. The first set describes participation of women in decision making process regarding various household activities. Though it does not reflect women's capacity to influence such decisions, it can be safely argued that those who at least participate in the decision making process are more empowered than those who do not. The second set of indicators reflects women's freedom of movement. In the case of a woman, freedom to movement entails empowerment in a broader sense: it gives her opportunity to develop an alternative social support system, other than her marital family, it can enable her to interact with the outside world, provide access to information and enables her to evaluate herself in front of the outer world. Freedom of movement, thus, can increase self confidence and dignity, which in turn can place a woman in a better position in the power relations within the family structure. The third set of indicators describes experience of marital violence among women and their attitude towards it. As with any form of oppression, it is the hegemony of the oppressors over the oppressed (by which the oppressed internalises and accepts his/her 'fate') that plays a key role in perpetuating such oppression. Same is the case with patriarchy too. Hence it becomes important to analyse attitude of women towards marital violence.

We analyse all the indicators by comparing among the group of NE states (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Tripura, Nagaland and Sikkim) and the rest of India. Keeping in mind the unique social structure in the NE region, we further disaggregate our analysis by social groups (caste/tribe) of the respondent women.

The objective of the analysis is not to arrive at any conclusion about absolute level of empowerment of women - in the NE region vis-à-vis the rest of India. That would require a study of much larger scale, considering a larger set of indicators, and accounting for various factors such as age of the woman respondent, economic

class, education level, rural-urban differences etc. which is not within the scope of this short study. The real objective of this article is to locate some of the nuances that any rigorous analysis of women's empowerment should take into account.

Participation of Women in Decision Making Process

NFHS 3 asks all currently married women, who in her household generally make the following decisions: obtaining medical care for herself, large household purchases, daily household purchases, going to relatives' place, how to use her own income, and how to use her husband's income. From women's empowerment point of view, it requires that she makes those decisions alone or with her husband (i.e. the decisions are at least joint decisions, if not hers alone).

Table 1: Percentage of Currently Married Women Whether Participating in Decision Making Process or Not in Various Aspects of Life.

state	Wife beating justified	if she Goes out without telling husband	Neglects children	Argues with husband	Refuses to have sex with husband	Burns food is unfaithful to Husband	Disrespects in-laws	At least one reason
NE States	26.8	37.6	26.1	12.1	13.9	21.5	38.5	51.6
Other States	29.1	34.6	30.5	14.2	20.7	25.3	40.7	54.5
India	29.0	34.7	30.4	14.1	20.4	25.1	40.6	54.4

Table 1 describes women's participation in decision making on various aspects in life: obtaining medical care for herself, large household purchases, daily household purchases, and going to relatives' place. According to the criterion of empowerment that we have set above, the table clearly reflects that in the North Eastern states, greater proportion of women participate in decision making on all of the above mentioned aspects, than the rest of the country. Overall in India, participation of women in decision making process is quite low: nearly one third of currently married women reporting that their husbands alone decide on her healthcare issues and nearly

one fifth reporting that husbands alone decide on daily household purchases and her going to relatives' place. The NE states, however, stands in stark contrast to this phenomenon.

It must be mentioned here that the different aspects mentioned above, themselves reflect the degree of women's empowerment. For instance, decision making space of women regarding daily household purchases is not so 'empowering' as decision making space regarding large household purchase will be. Or, among the four abovementioned aspects, perhaps participation of women in decision making (or rather the lack of it) on own health care issues reflects faintness of women's voice to the most distressing extent.

Table 2: Percentage of Currently Married Women Whether Participating in Decision Making Process or Not on use of Income

State	Decision How to Use Own Income	Decision How to Use Husband's Income	Woman alone or with husband husband alone	Woman alone or with husband husband alone
NE States	90.8	7.7	74.6	23.9
Other States	81.8	15.2	68.0	24.6
India	82.1	15.0	68.3	24.6

NFHS-3 asks specific question on who decides how to spend income: own income as well as that of husband's. As expected, Table 2 shows that women participate more in decision making about use of her own earnings than that of her husband's earnings. In the NE states, the freedom of women on these aspects is greater than the rest of the country.

Chart 1 and Chart 2 further disaggregates the responses of the currently married women by her caste/tribe.

Disaggregation on the basis of caste/tribe gives us two interesting points to note. First of all, in all the decisions mentioned above, for all social groups, greater proportion of women in the NE states are either taking those decisions alone or taking a joint decision with her husband, as compared to the rest of the country (with one exception: a greater proportion of upper caste women in the rest of the country, as compared to those in the NE states, are either taking decision alone or taking a joint decision with her

husband, about how to use husband's income). Secondly, in all the decisions, participation of the scheduled tribe women of the NE states in decision making is higher than women of any other social group in the NE states itself or in rest of the country.

Women's Freedom of Movement

Women's freedom of movement is captured in NFHS 3. The women were asked whether they are allowed to go to the following places alone: market, healthcare facility, outside the village or community. It can be said that women who are can move alone enjoy greater degree of freedom and independence than those who cannot.

Table 3: Percentage of women who can go to the following places alone

State	Market	Healthcare facility	Outside village/community
NE States	49.9	45.6	60.2
Other States	51.5	47.8	36.8
India	51.5	47.7	37.8

Table 3 shows that women of the NE states enjoys slightly less freedom while going to market place or to healthcare facility, as compared to the women of rest of India. The situation is just the opposite if she wants to go outside the village or community. In this case, the NE women enjoy far greater freedom than their counterparts in the rest of the country. Overall, we can say that women's freedom of movement in India is highly restricted: just over half of the women being allowed to go to market alone, less than half allowed to go to healthcare facility alone and less than two-fifth of women allowed to go outside the village or community alone.

Chart 3 further disaggregates the responses of the women by her caste/tribe.

Chart 3 shows that scheduled tribe women of the NE states enjoy greater freedom while going to market place or to healthcare facility than women of any other social group in the NE states itself or in rest of the country (the same doest hold if the woman wants

to go outside village or community), though, as we have seen before, women of the NE states overall enjoys slightly less freedom while going to those places as compared to the rest of the country.

Marital Violence

Physical violence is perhaps the most authoritarian form of repression of a woman. NFHS 3 captures the issue of marital/relationship violence through several sets of questions. We will focus into two such sets of questions: asking the woman about incidents/experiences of marital/relationship violence and asking if she thinks wife beating is justified by specific reasons.

Table 4: Percentage of women who have experienced violence from husband

state	Violence by husband Less severe violence	Severe violence	Sexual violence
NE States	34.5	9.5	13.4
Other States	34.9	12.0	9.8
India	34.9	11.9	10.0

Table 4 shows percentage of women who have reported to have been subjected to different type and degree of violence by her husband. Overall more than one third of the women have reported to have experienced less severe violence, more than one tenth reporting to have experienced severe violence, and one tenth reporting to have experienced sexual violence. The table shows that the NE women are slightly better off than their counterparts in rest of the country regarding experiences of less severe violence and severe violence. However, greater proportion of NE women has reported to have experienced sexual violence from their husbands, as compared to the rest of the country.

Chart 4 shows that while the upper caste women have reported to have experienced least violence among all other social groups in the rest of the country, it doesn't hold true for the NE states. In the NE states, it is the women from the other backward

class and scheduled tribe who have experienced less violence from their husbands. In fact, regarding experience of sexual violence by husband, the scheduled tribe women of the NE states are in a most favourable situation among all the social groups in the NE states itself or in rest of the country (though overall, as we have seen earlier, greater proportion of NE women has reported to have experienced sexual violence from their husbands, as compared to the rest of the country).

Table 5: Percentage of women who thinks wife beating is justified by reasons

state	Wife beating justified	if she Goes out without telling husband	Neglects children	Argues with husband	Refuses to have sex with husband	Burns food is unfaithful to Husband	Disrespects in-laws	At least one reason
NE States	26.8	37.6	26.1	12.1	13.9	21.5	38.5	51.6
Other States	29.1	34.6	30.5	14.2	20.7	25.3	40.7	54.5
India	29.0	34.7	30.4	14.1	20.4	25.1	40.6	54.4

Table 5 shows percentage of women who thinks wife beating is justified for each of the following reasons: if wife goes out without telling husband, if wife neglects the children, if wife argues with husband, if wife refuses to have sex with husband, if she burns food, if husband thinks she is unfaithful, and if she disrespects in-laws. The last coloumn of Table 5 shows percentage of women who agree that at least one of the reasons justify the act of beating by her husband. For each of the reasons, except in the case of neglecting children, less proportion of the NE women think that wife beating is justified, as compared to the rest of the country. Overall, it is in the case of wife disrespecting in-laws, that the most of the women think beating by husband is justified, followed by the case when wife neglects the children. It is interesting to note that the women did not consider the reason of husband suspecting wife to be unfaithful as a good enough reason for husband beating his wife (as compared to reasons such as wife going out without telling husband, or wife arguing with husband etc).

Chart 5 shows high degree of acceptance of violence among scheduled tribe women of the NE states. In fact, among all the social groups, both in NE states and in the rest of the country, the scheduled tribe women of the NE states accept the most that beating of wife by husband is justified.

Conclusion

Description of the three parameters of women empowerment has provided us with some interesting information and at the same time has raised many questions. In the decision making aspect, the evidences clearly indicates that the NE women, particularly those belonging to the scheduled tribe category, enjoy greater degree of empowerment as compared to their counterparts in the rest of the country. However, such clear conclusions cannot be drawn regarding freedom of movement of the NE women. It will be a logical speculation that the political turmoil, high handedness of the army etc. in the NE region is playing a negative role restricting women's freedom of movement. These observations demand further investigations. On the issue of marital violence, we have observed that scheduled tribe women of the NE states have high level of acceptance about marital violence, as compared to the rest of India. This fact also demands a deeper analysis. As stated earlier, the objective of this article is to locate some of the nuances that any rigorous analysis of women's empowerment should take into account. It is hoped that this article can facilitate richer debate on the issue by providing some basic yet interesting information. ■

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DOMESTIC VIOLENCE AND SEXUAL HARASSMENT

Farhana Yasmin

Domestic Violence is not a new concept in our society. From time immemorial people have been harassed, tortured and brutally murdered for various reasons. Among these, domestic violence is the most common of all the violence's prevailing in our society. Domestic Violence is a human rights issue which is increasing day by day in the entire world. The phenomenon of domestic violence is widely prevalent in our society but unfortunately it remains invisible in the public domain. In other words domestic violence is the most common but least reported crime in India. It occurs to everyone who lives in a relationship with one another and among all racial, ethnic, religious, socio- economic groups. In our country domestic violence is considered as a family affair. It seldom comes out of the four walls. As a result, behind closed doors people are being harassed, tortured, beaten and killed. It is happening not only in the rural areas of India but also in towns, cities and metros as well.

Domestic violence is also known as domestic abuse, spousal abuse, family violence, and intimate partner violence (IPV) etc.

Domestic violence has many forms including

" Physical violence (beating, slapping, hitting, kicking, biting, punching, pushing, shoving, causing bodily pain or injury etc)

- " Sexual violence (forced sexual intercourse, showing pornography or any other obscene pictures, child sexual abuse etc)
- " Verbal and emotional violence (insults, name calling, accusation on your character or conduct, insults for not bringing dowry, insults for not having a male child etc.) and
- " Economic violence (not providing money, food, clothes, medicine etc)

Besides these there are some judicially recognized kinds of domestic violence like dowry death, abetment to commit suicide, cruelty, hurt and grievous hurt wrongful restraint and wrongful confinement, sexual intercourse during judicial separation, bigamy and adultery.

Domestic violence can happen to anyone who is in a relationship with, be it a wife, husband, son, daughter, mother, father, grandparents, mother-in-law, father-in-law or any other family member. It can be a male's or a female's atrocities towards another male or a female in a relationship. In this case anyone can be a victim or a victimizer. Especially women are the victims of domestic violence in our male dominated society. Therefore in India more or less 95% of the victims of domestic violence are women.

Domestic violence against women

Domestic violence against women means any act or conduct which has potential to injure or hurt the women physically, mentally, verbally, sexually, emotionally, economically, socially and also spiritually within the four walls of the house. This is very shocking news for us, that in our country itself women are compared and worshipped like Goddesses. Indian culture and custom is famous for respecting the women. But in practical we can see, from time immemorial women are subjected to ill treatment, cruelty, harassment and all sorts of misbehavior from the male members of our society. Despite various legal provisions in our country to protect women against violence, domestic violence, dowry, bigamy, rape, kidnapping, trafficking and other forms of atrocities go unchecked.

There are about thirty specific forms of violence being committed against women from the pre-natal stage to their death. Such forms include foeticide, infanticide, child marriage, child sexual abuse, forced marriage, rape, prostitution, sexual harassment, pregnancies at short intervals, witch hunting etc.

Among all these atrocities domestic violence ranks as the highest in relation to injuries to women in our country. Therefore each year millions of women seek medical assistance for injuries caused by wife-beating, burning, drowning, attempt to suicide and other related consequences etc.

Domestic violence may be caused by the victim's

- " Husband
- " Father or father-in-law
- " Brother or brother-in-law
- " Member of the shared household or relative of the husband.
- " Male partner (in a living together relationship).

Besides these persons, women can also be a respondent in a domestic violence case.

According to a survey made by Human Rights Law Network, in our country every day at least 18 women are killed for dowry, 87 women are subjected to sexual harassment, 132 women faces various kinds of other harassment and 44 women fall victim to atrocities.

In India, more than 55 percent of the women suffer from domestic violence, especially in the states of Bihar, U.P., M.P. and other north Indian states.

The status in Assam and other North-Eastern states

Traditionally women of Assam and other North-Eastern states have been enjoying much freedom and respect than any other parts of our country. Earlier the state of Assam was free from dowry, bride burning, wife-beating and child marriage related crimes. But now a days, Assam is also coming under the grey area of crimes. According to one estimate, violence against women in Assam and

other North Eastern States has been on a rise over the years. Especially domestic violence cases are increasing at an alarming rate which is a very serious issue. In the last few years, the region has been witnessing growth of violence every where.

According to Assam State Commission for Women (ASCW) from the year 1994 to June 2010, the Commission has entertained and disposed off 100 of cases from its Guwahati office. During this period the Commission's Guwahati office received a total of 1305 cases and it disposed off 585 cases. It needs to be mentioned here that topping the list are the cases related to domestic violence. 60 bigamy related cases and 134 dowry cases have been disposed off. On the other hand, a total of 41 cases in connection to kidnapping and 89 rape cases have been received by the Commission and another 303 miscellaneous cases have been registered.

Above 150 domestic violence cases have been registered from the Guwahati Chapter of Human Rights Law Network, which is a group of lawyers and social activists, working for the vulnerable sections of our society. According to their survey women issues are increasing at an alarming rate in Assam.

The meaning and scope of domestic violence against women can further be illuminated by a glance at the Indian Criminal laws and the Indian Civil laws.

Under Criminal law

- " Under the Indian Penal Code, 1860 which deals with offence in the forms of domestic violence against women are dowry death, forceful termination of pregnancy, wrongful restraint, wrongful confinement, abetment to commit suicide, causing hurt or grievous hurt, marital rape, misappropriation of the wife's property, matrimonial cruelty etc.
- " The Dowry Prohibition Act, 1961.
- " The Commission of Sati Prevention Act, 1987.
- " The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.

Under Civil law

- " The Dissolution of Muslim Marriages Act, 1939.
- " The Hindu Marriage Act, 1955.

Remedies for Domestic Violence

The victim of domestic violence may seek remedies under the existing laws like civil and criminal law.

Remedy under Civil law

If a woman is subjected to domestic violence by her husband one solution for her is to end the marriage by way of filing a divorce petition or seek judicial separation or claim maintenance from her husband with the view to live separately from her husband.

Remedy under Criminal law

If a woman is subjected to violence at home, she has an option to initiate criminal action against that person. In India the Criminal Justice system is governed by the substantive law i.e. the Indian Penal Code, 1860, which defines as to what acts are offences and provides punishment for such offenders. Another aspect of the Criminal justice system is the procedural law i.e. the Code of Criminal Procedure, 1973.

The existing civil and criminal laws had their limitations as they recognized violence only in a marital relationship. Furthermore, there were no provisions for damages and other immediate relief like protection and residence orders, injunctions etc. Another main problem is that all these remedies are very time consuming. Lakhs of cases are pending for justice in our Indian courts. As we all know women issues are very sensitive and their protection is also a necessary one. Thousands of women die, get killed or commit suicide for delay in the slow legal procedure. Therefore depending on the urgency and the upliftment of women, a special Act was enacted which is meant for the protection of women from Domestic Violence.

The Protection of Women from Domestic Violence Act, 2005

The Domestic Violence Act, 2005 was passed by the Indian Parliament and it received the assent of the President on September 13, 2005. This Act came out as a product of the women's movement. The Act is a milestone in recognizing domestic violence within any relationship, thereby challenging the traditional treatment of abuse on women. The special provision of this Act is that the case must be disposed off within 60 days from the first hearing, in other words statutory limit of 60 days has been provided.

The Act, defines 'Domestic Violence' in Section 3 as - "any Act, omission or commission or conduct of the respondent shall constitute domestic violence in case it - (a) harms or injures or endangers the health, safety, life, limb or well being whether mental or physical of the aggrieved person or tends to do so and included causing physical abuse, sexual abuse, verbal and emotional abuse, or (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security, or (c) has the effect of threatening the aggrieved person or any person related to her by any conduct, -or (d) otherwise injures or causes harm, whether physical or mental to the aggrieved person."

The Protection of Women from Domestic violence Act, 2005 creates three basic rights for the victims of domestic violence: to be protected from violence, to reside in a shared household, and to seek and secure monetary relief. Under this Act the appointment of service provider, counselors, and protection officers including providing various forms of services like shelter homes, medical facilities, legal aid etc. is mandatory.

Provisions for relief

Sections 18 to 22 of the PWDVA, different forms of relief that are available to the victims of domestic violence, such as

" Protection order

- " Residence order
- " Maintenance order
- " Custody order and
- " Compensation order.

Besides these orders there is a special order in section 23 of this Act, which is given by the Magistrate depending upon the situation and the urgency of the victim. This is called the interim ex-parte order. Therefore a victim can obtain an interim ex-parte order on the first hearing of the case.

Procedures for obtaining the relief

Section 12 of the Act says that an aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider. But it is ironical, that the Protection Officer's must be appointed in every District and if possible a woman officer should be appointed.

Penalty or punishment

This Act is only meant for the protection of the women or in other words this is a protective law. So, in this PWDV Act , 2005 the concept of punishing the culprit is not highlighted. But, according to section 31 of the said Act, penalty for breach of protection order or of an interim protection, by the respondent is stated. By that order the respondent shall be punishable with one year imprisonment or with fine of twenty thousand rupees or with both.

Conclusion

One of the reasons for the increase in women victims is the orthodox and chauvinistic mindset of the male members of our society with added element of lack of awareness and illiteracy on the part of women. There is a misconception which is prevailing

from the earlier times till today that women are physically and emotionally weaker than male. Though women today have proved themselves in almost every field of life affirming that they are not less than men, the reports of violence against them are much larger in number as well as more humiliating than against men.

Sexual Harassment

Every day we come across at least one headline regarding sexual harassment in the newspaper. It is not anymore a new concept in our society. From time immemorial, the people of India especially the women and girl child have been subjected to sexually harassment. If we turn the pages of History, we find the existence sexual harassment even then. Besides modernization, we are still residing in the grey area of a heinous crime. This issue is regarded as one of the most serious crimes of today's world. But the worst part of it is that it still remains the least reported crime in our Indian society. The very reason behind this is that people till date think that sexual harassment is not really an issue.

Meaning of Sexual Harassment

The word sexual harassment means intimidation or bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors.

Sexual harassment can happen with anyone. In other words, any person can be a victim or victimizer to sexual harassment. Not only a woman but also a girl child may be a victim of this heinous crime. Sometimes a male person is also seen as a victim of this crime. Male sexual harassment is more prominent in the foreign countries.

Sexual harassment may take up various form, it may be verbal, physical, visual etc. Women sexual harassment includes some unwelcome sexually determined behaviour, and it may be directly or by implication, in the form of:

- " Intentional Physical contact.
- " A demand or request for sexual favours.

" Sexually coloured remarks.

" Showing pornography.

Besides these forms, sexual harassment may be in the form of some verbal or non-verbal conduct of sexual nature.

Sexual harassment is like an illegal employment. Therefore it is always regarded as a criminal offence, which is punishable under Indian laws. The Constitution of India provides for equal work opportunities to women just like men. Any discriminatory behaviour and abuse is therefore unlawful.

Now a days working women are facing physical, mental emotional and sexual harassment at their work places. Therefore it is affecting the society to a great extent. Sexual harassment of women particularly the working women at work places by their male counterparts is one of the evils of the modern society. In India most of the working women are subjected to this evil. For the very same reason many working women have to quit their jobs. Under such circumstances a working lady is either forced or pressurized by the male member of her office to leave the job or sometimes it has been seen that many women face this evil under the fear of losing their job. In some cases the women also choose to take drastic steps such as committing suicides also. As a result, women suicidal cases are increasing day by day. Sexual harassment is a serious evil in our society by which women have to face severe psychological mental trauma. Most of the Indian women are unaware of their rights and because of very this reason these crimes against women are ever increasing but least reported to police. Abuses faced by women at their workplace hamper women in various ways. Their efficiency to work decreases and their self-confidence is demoralized. Besides illiteracy and ignorance of our people, the problem of shy nature is another main cause of increasing crime in our male dominated society.

Sexual harassment of women at work places is against the principle of gender equality, it is violation of the Fundamental Rights, under particular articles namely Article 14&15 of the Indian

Constitution, which enriches the principles i.e., equality before the law and prohibition of discrimination on the grounds of religion, race, cast, sex and such other grounds. It violates Article 21 of the Constitution which deals with the protection of the life and personal liberty.

In the case of *Vishaka vs. State of Rajasthan*, the Supreme Court has given the definition of Sexual Harassment in work place.

There are some myths and facts which exist about sexual harassment at workplace. These are as follows.

Sometimes people think that women enjoy eve teasing and sexual harassment and eve teasing is harmless. And women who object to such behaviour have no sense of humour. People also think that women who are provocatively dressed are sexually harassed but in reality, women find eve-teasing or sexual harassment a humiliating, painful and frightening experience. In reality women keep quiet to avoid the stigma attached. Usually women are afraid that they will be accused of provoking it, of being victimized, of being called liars and objects of gossip. Behaviour that is unwelcome cannot be considered harmless or funny. Sexual harassment is defined by its impact on the woman, rather than the intent of the perpetrator.

There are some examples that amount to sexual harassment at the workplace. Such as-

Conduct of a Sexual Nature

" Leering or staring at another's body or sexually suggestive gestures.

" Excessively lengthy handshakes

" Keeping hands on the shoulders of a woman

" Unnecessary touching the body or hands etc.

" Display of sexually visible material such as cartoons, graffiti or catalogues of a sexual nature.

Verbal Harassment

" Commenting on personal appearance, especially about body parts and figure etc.

" Swearing unnecessarily, getting drunk and talking unnecessary words like some nonsense etc.

It is very unfortunate that though the topic is violative of the dignity and Right to Life of women, still there is still no enactment to deal with this serious issue and everyone still refuses to lodge complaint. Another problem is our police personals also refuse to file such complaints. Therefore it is seen that it is the least reported crime in our society.

The guidelines that has been provided by the Supreme Court in the case of Vishakha vs. State of Rajasthan, is the only law prevailing in India on the very subject.

It shall be the duty of the employer or any other responsible person at work place or other institution to prevent or deter the commission of such acts of sexual harassment and to provide for the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking necessary steps

Besides these, there are some other preventive Steps as well, all employers or persons in charge of work place whether in the public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

(a) Expressed prohibition of sexual harassment, as defined above at work place should be notified, published and circulated in appropriate ways.

(b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

(c) As regards, private employer's steps should be taken to include the aforesaid prohibitions in the Standing orders under the Industrial Employment (Standing Orders) Act, 1946.

(d) Appropriate working conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and

no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

(e) Besides these preventive steps, the woman victim can also go for some criminal proceedings if required.

The employer can seek some appropriate action under Indian Penal Code of 1860 by making a complaint under the appropriate authority.

In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer. For this, a complaint committee should be formed. The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must prepare an Annual Report to the concerned Government department and appropriate action be taken by them.

Sometimes workers can take the initiative at their meeting also. Employees should also be allowed to raise issues of sexual harassment at workers' meeting and in other appropriate forum and it should be affirmatively discussed in Employer-Employee meetings.

Third Party Harassment: Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all necessary and reasonable steps and to assist the affected person in terms of any kind of support and preventive actions be taken.

The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines laid down by this order are also observed by the employers in Private Sector.

These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

The above mentioned guidelines and norms provided by the Supreme Court are legally binding on all public and private organizations and have to be strictly observed in every work place for the preservation and enforcement of the right to gender equality of working women.

These directions are legally enforceable in law until suitable legislation is enacted to occupy the field.

Sexual Harassment in Assam

Earlier the state of Assam was free from such kind of serious crime.. The people of Assam and the north east states were enjoying their rights to its fullest extent as far as equality was concerned but now a days we have started facing this type of harassment both at homes as well as at the workplaces. According to a survey, Sexual Harassment is increasing at an alarming rate in the entire country. In our states, there are various cases which have been registered, which are all related to sexual harassment and sexual abuse. Among them some cases are related to women sexual abuse and some are related to child sexual abuse.

Conclusion

The problem is mainly seen in the urban areas and the metropolitan cities. The whole situation is worsening every day. If this problem do not solve as much as possible, than women employer should be diminished which is very harmful towards the development of a society. For fighting against this problem, besides Vishakha Judgment, a new Act and a new law should be enacted by the Government. As we know that, persons subjected to sexual harassment experience a wide range of physical and psychological ailments. Therefore I think the Government should make a new Act for the protection of women at workplaces. And awareness on the part of the working women is very necessary. So, it is the duty of every working woman to fight for their basic rights with the knowledge of the Vishakha guidelines. ■

CHILD LABOUR

Sailen Dutta

The future of a community is in the well being of its children. The above fact is beautifully expressed by Wordsworth in his famous lines "child is father of the man". So it becomes imperative for the health of a nation to protect its children from premature labour which is hazardous to their mental, physical, educational and spiritual development needs. It is urgently required to save children from the murderous clutches of social injustice and educational deprivation, and ensure that they are given opportunities for healthy, normal and happy growth. Child labour is done by any working child who is under the age specified by law. The word, "work" means full time commercial work to sustain self or add to the family income. Child labour is a hazard to a Child's mental, physical, social, educational, emotional and spiritual development. Broadly any child who is employed in activities to feed self and family is being subjected to "child labour".

There are two concepts of child labour - first as a bad economic practice and second as an overt social evil. In the first it is involvement of a child labour in profitable activities to augment the family income. The second context, namely child labour a social evil - is more complex in nature and extent. In order to assess the nature of the evil, and gauge the extent of damage it becomes necessary to understand the character of the job in which the child

is engaged, the dangers to which they are exposed and the development opportunities they are denied. Technically the term 'child labour' is used for children occupied in profitable activities, whether industrial or non industrial. It is especially applicable for activities which are detrimental to their physical, psychological, emotional, social and moral development needs. It has been researched and proved that the brain of a child develops till the age of ten, muscles till the age of seventeen and his lungs till the age of fourteen. To be more specific, any activity which acts as a hazard for the natural growth and enhancement of these vital organs can be considered harmful for natural human growth and development and termed - 'child labour'. It has been observed in India and other countries, that the practice of 'child labour' is a socio- economic problem. Many appalling realities like poverty, illiteracy, unemployment, low wages, ignorance, social prejudices, regressive traditions, poor standard of living, backwardness, superstition, low status of women have combined to give birth to the terrible practice of child labour. The children are required to seek employment either to augment the income of their families or to have a gainful occupation in the absence of availability of school going facilities at various places. It has been observed and repeatedly stated in recent times that 'child labour' does not remain a mere means of economic exploitation but has become a necessity due to the economic needs of the parents and the child himself. Child labour is also caused by different factors like social traditions, family attitude, customs, and dearth of schools or parental reluctance to send children to school, industrialization, urbanization, migration etc. To counter the real situation called child labour and save little humans from abuse at a tender age, the government should be compelled to provide compulsory and free education to all children up to the age of fourteen years. The recommendations of the convention No.138 should be kept in mind by those who formulate child labour laws. The working age limit for an individual should also be raised to allow consistent and full physical and mental growth for every individual.

The Industrial revolution had ushered in the horrendous practice of employing children of 4 and 5 years in factories in environmental conditions, which were risky for their health and well being, often proving fatal. Developed countries have reacted sharply to this historical fact by equating "child labour" with human right violation. However poor countries are more accepting about child labour as a living necessity. The year witnessed all countries of the world except United States and Somalia become a signatory to the Convention on the Rights of the Child (CRC). 1990. The strongest, most consistent language in legal terminology prohibiting illegal child labour is provided by the CRC. However it does not establish the practice of child labour as legally punishable. Employment with others and self employment both come under the aegis of 'child labour'. It has been seen that children who are street sellers, street entertainers, rag pickers, child prostitutes or pornography models, beggars etc - are mostly without natural guardians and exploited by underground gangsters and racketeers. These children are mostly children of illegal migrants. They are the victim of abandonment, riots, wars or just sheer poverty and homelessness. In poor countries some children are helping hands for their parents or are employed in factories, commercial organizations or households with the consent of the parents. The most appalling form of child labour is prostitution and modeling for child pornography. Some children are even sold to fiefs by their parents for money.

Child labour in India is a human right issue for the whole world. It is a serious and extensive problem, with many children under the age of fourteen working in carpet making factories, glass blowing units and making fireworks with bare little hands. According to the statistics given by Indian government there are 20 million child labourers in the country, while other agencies claim that it is 50 million. The situation of child labourers in India is desperate. Children work for eight hours at a stretch with only a small break for meals. The meals are also frugal and the children are ill nourished. Most of the migrant children, who cannot go home, sleep at their work

place, which is very bad for their health and development. Seventy five percent of Indian population still resides in rural areas and are very poor. Children in rural families who are ailing with poverty perceive their children as an income generating resource to supplement the family income. Parents sacrifice their children's education to the growing needs of their younger siblings in such families and view them as wage earners for the entire clan.

The Indian government has tried to take some steps to alleviate the problem of child labour in recent years by invoking a law that makes the employment of children below 14 illegal, except in family owned enterprises. However this law is rarely adhered to due to practical difficulties. Factories usually find loopholes and circumvent the law by declaring that the child labourer is a distant family member. Also in villages there is no law implementing mechanism, and any punitive actions for commercial enterprises violating these laws is almost non existent.

Child labour is a conspicuous problem in India. Its prevalence is evident in the child work participation rate, which is more than that of other developing countries. Poverty is the reason for child labour in India. The meager income of child labourers is also absorbed by their families. The paucity of organized banking in the rural areas creates a void in taking facilities, forcing poor families to push their children in harsh labour, the harshest being bonded labour. Bonded labour traps the growing child in a hostage like condition for years. The importance of formal education is also not realized, as the child can be absorbed in economically beneficial activities at a young age. Moreover there is no access to proper education in the remote areas of rural India for most people, which leaves the children with no choice.

Child labour is a very complicated development issue, effecting human society all over the world. It is a matter of grave concern that children are not receiving the education and leisure which is important for their growing years, because they are sucked into commercial and labourious activities which is meant for people

beyond their years. According to the statistics given by ILO and other official agencies 73 million children between 10 to 14 years of age re employed in economic activities all over the world. The figure translates into 13.2 of all children between 10 to 14 being subjected to child labour.

Some common causes of child labour are poverty, parental illiteracy, social apathy, ignorance, lack of education and exposure, exploitation of cheap and unorganized labour. The family practice to inculcate traditional skills in children also pulls little ones inexorably in the trap of child labour, as they never get the opportunity to learn anything else. Absence of compulsory education at the primary level, parental ignorance regarding the bad effects of child labour, the inefficacy of child labour laws in terms of implementation, non availability and non accessibility of schools, boring and unpractical school curriculum and cheap child labour are some other factors which encourages the phenomenon of child labour. It is also very difficult for immature minds and undeveloped bodies to understand and organize them selves against exploitation in the absence of adult guidance. Poverty and over population have been identified as the two main causes of child labour. Parents are forced to send little children into hazardous jobs for reasons of survival, even when they know it is wrong. Monetary constraints and the need for food, shelter and clothing drives their children in the trap of premature labour. Over population in some regions creates paucity of resources. When there are limited means and more mouths to feed children are driven to commercial activities and not provided for their development needs. This is the case in most Asian and African countries.

Illiterate and ignorant parents do not understand the need for wholesome proper physical, cognitive and emotional development of their child. They are themselves uneducated and unexposed, so they don't realize the importance of education for their children. Adult unemployment and urbanization also causes child labour. Adults often find it difficult to find jobs because factory owners find it more

beneficial to employ children at cheap rates. This exploitation is particularly visible in garment factories of urban areas. Adult exploitation of children is also seen in many places. Elders relax at home and live on the labour of poor helpless children.

The industrial revolution has also had a negative effect by giving rise to circumstances which encourages child labour. Sometimes multinationals prefer to employ child workers in the developing countries. This is so because they can be recruited for less pay, more work can be extracted from them and there is no union problem with them. This attitude also makes it difficult for adults to find jobs in factories, forcing them to drive their little ones to work to keep the fire burning their homes. The incidence of child labour would diminish considerably even in the face of poverty, if there are no parties willing to exploit them. Strict implementation of child labour laws and practical and healthy alternatives to replace this evil can go a long way to solve the problem of child labour. Children who are born out of wedlock, orphaned or abandoned are especially vulnerable to exploitation. They are forced to work for survival when there are no adults and relatives to support them. Livelihood considerations can also drive a child into the dirtiest forms of child labour like child prostitution and organized begging.

There are specific clauses in the draft of Indian constitution dated 26th January 1950, about the child labour policy in India. These are conveyed through different articles in the Fundamental rights and the Directive Principles of the State Policy. They lay down four specific policy rules regarding child labour.

1. No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. (Article 14)

2. The state shall direct its policy towards securing that the health and strength of workers, men and women and the tender age of children are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age and strength. (Article 39-E)

3. Children shall be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth shall be protected against moral and material abandonment.(Article 39-f)

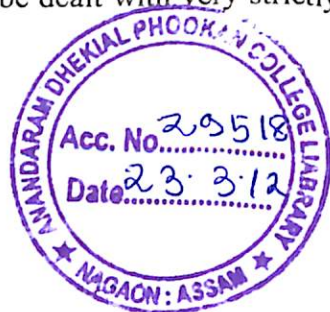
4. The state shall endeavor to provide within a period of ten years from the commencement of the constitution for free and compulsory education for all children until they complete the age of fourteen years. (Article 45)

It was also decided that both the Union government and the State government could legislate on matters concerning child labour. Various legislative initiatives were also taken in this regard at both the State and Union level.

The main legislative measures at the national level are The Child Labor Prohibition and Regulation Act -1986 and The Factories Act -1948. The first act was categorical in prohibiting the employment of children below fourteen years of age, and identified 57 processes and 13 occupations which were considered dangerous to the health and lives of children. The details of these occupations and processes are listed in the schedule to the said Act. The factories act again prohibits the employment of children less than fourteen years of age. However an adolescent aged between 15 and 18 can be recruited for factory employment only after securing a fitness certificate from a medical doctor who is authorized. The Act proceeds to prescribe only four and an hour's work period per day for children between 14 and 18 years. Children are also not allowed to work in night shifts. Moreover, in the year 1996 the Supreme Court of India came out with a judgment in court that directed the State and Union government to make a list of all children embroiled in hazardous occupations and processes. They were then told to pull them out of work and asked to provide them with proper education of quality. The judiciary also laid down that Child Labor and Welfare Fund is set up. The contribution for this was to be received from employers who contravened the Child Labor Act. India is also a signatory to the UN Convention on the

Rights of the Child, ILO Abolition of Forced Convention - No 105 and ILO Forced labour Convention - No. 29. A National Labor Policy was also adopted in the year 1987 in accordance with India's development strategies and aims. The National Policy was designed to reinforce the directive principles of state policy in the Indian constitution that every country is absolutely bound by its duty to provide free primary education to its children. It is important to remember that industrialization can afford to wait but youth cannot be captured for long. It is imperative that the basic tenet made in article 24 of the Indian constitution - prohibiting the employment of any child below fourteen years of age, in a factory, mine or any other hazardous employment be stopped - be adhered to. There should be no ambiguity in ensuring the right of every child to free basic education and the promise of the constitution should be fully implemented in the here and now.

Projects related with human resource development, dedicated to the child welfare issues must be given top priority by the central and state governments to stop the menace of child labour. Child labour laws need to be strictly implemented at the central and state levels. Corruption and negligence in child labour offices and employee circles should be dealt with very strictly by the judiciary and the police force. ■



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Sailen Dutta

In the Assam Sahitya Sabha Convention of 1959, held in Nagaon, a decision was taken to establish a college in the name of Anandaram Dhekial Phookan, in order to perpetuate his memory. Established with the great pious mission and social responsibility of expansion of education, this college has already completed its glorious 50 years and celebrated its golden jubilee in 2009. The college contributed significantly in extending education to the districts of Nagaon, Karbi Anglong and its neighbouring areas.

Recently, with financial grants from the UGC we have started Women Study Centre, Ambedkar Study Centre, Gandhian Study Centre, Vivekananda Study Centre and various other such centres which are engaged in different extension programmes for the greater welfare of the society. Lately, the ADP College Publication Cell in collaboration with these study centres decided to publish a series of books. "Women : Issues and Perspectives" is the outcome of this decision. We are happy and pleased that we have been able to publish a national level book. We are grateful to all the eminent writers who have contributed their articles in this book. I hope readers will appreciate our effort.

Dr. S. U. Ahmed
Principal
ADP College, Nagaon

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