



# Newsletter

IAWS

Indian Association  
for Women's Studies

APRIL 2009, Volume II, No.5

## Editor's Note

This issue of the newsletter is the first during the tenure of the present EC (2008-2011). We thank all IAWS members for reposing faith in us to carry out various activities of IAWS including this newsletter. With gratitude we bid farewell to the outgoing EC members who continue to guide us as we try to grapple with our new responsibilities. The details of the office bearers and regional coordinators are given along with the information about IAWS at the end of the newsletter.

Our immediate task is to update the membership list and also to reach out to others who are yet to become IAWS members. We request you to send changes of postal address and emails to the IAWS General Secretary at Kolkata; new memberships forms, duly filled should be sent to the Treasurer.

Members may recollect that the General Body meeting held at the XII National Conference of IAWS held in Lucknow (2008) passed several resolutions. In this issue of the newsletter, as a follow-up to the conference, we bring you some reflections and updates about a few of these resolutions. The first is a detailed report on the violent incarceration of Dr. Binayak Sen, who is held under a draconian law of the Chattisgarh government, in order for us to understand why the women's movement need to join thousands of human right activists across the globe to demand the immediate release of Dr. Sen. The second report brings out the silenced aspects of the Khairlanji crimes, especially the gender aspects of the attack and the subsequent women's protests against the crime. The third is a fact sheet prepared by Saheli and the PUCL on violence against women in the Northeastern region, committed under another draconian law The Armed Forces (Special Powers) Act 1958, and reiterates our demand for the repeal of the AFSPA. There is also a short reflection by an eminent woman lawyer and activist on the Maharashtra Government's attempts to reform the Criminal procedure code which should enable us to discuss such law reforms and their implications for women.

The past few months have seen a series of protests from the women's groups and students against atrocities committed on young women and minorities in the name of protecting 'Hindu culture'. The Mangalore attack throws up many issues related to women's freedom of expression and their right to public spaces and also the failure of laws to deal with issues of cultural policing (for details see the PUCL report on 'Cultural Policing in Dakshina Kannada', [www.altlawforum.org](http://www.altlawforum.org)). A short discussion on how one might understand these issues has been flagged off in this newsletter. The IAWS in collaboration with the Centre for Women's Studies, Mangalore University, plans to organize a seminar/ workshop in Mangalore around August 2009 on these issues for the southern region and the western coastal states. Details will be available soon on the IAWS website and from the IAWS Southern Regional Coordinator.

By initiating discussion on these issues in the newsletter and through workshops, we would like to highlight the challenges that the women's movement faces today and also the issues and problems that should be of concern to women's studies scholarship in India.

We also bring you reports of refresher courses and seminars on feminism, sexuality and gender, and a report on the new initiative to map the field of Law and Social Sciences in South Asia. We continue with the earlier tradition of providing information on new books in women's studies and also reviewing them. We are also continuing the effort to compile a comprehensive bibliography on women's studies with publications from research bases across the country; a Research Briefs page will include brief summaries of ongoing research in women's studies, especially from Ph.D scholars, so as to create a research forum for young scholars. Please do send in reports and announcements of women's studies related events, courses and fellowships.

S.Anandhi, [anandhister@gmail.com](mailto:anandhister@gmail.com)

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**Editorial** Meena Kandasamy

**Committee :** K. Kalpana  
Kavitha Muralidharan  
Arivazhagan

**Editor :** S.Anandhi

## Editorial office

Madras Institute of Development Studies  
79, Second Main Road,  
Gandhi Nagar, Adyar, Chennai- 600020  
Email: [anandhi@mids.ac.in](mailto:anandhi@mids.ac.in)

## IAWS Secretariat

School of Women's Studies  
Jadavpur University, Kolkatta 700032  
Email: [iaws.secretariat@gmail.com](mailto:iaws.secretariat@gmail.com)

## THE CASE AGAINST DR. BINAYAK SEN

Dr. Binayak Sen has been in jail in Chhattisgarh since May 2007 on charges of being an accomplice of the Maoists, who have a significant anti-state presence in large areas of South Chhattisgarh. The prosecution asserts that he is a doctor 'only in name' and that it is letters couriered by him that have caused destruction of life and property worth millions. The case of the prosecution, in brief, is that on 06/05/2007, during a random search by the Raipur Police, one Pijush Guha was rounded up near New Samrat Talkies, station road, Raipur and that magazines and letters allegedly connected with Naxal activities were recovered from him. On questioning, the said Pijush Guha allegedly revealed that these letters were handed over to him by Dr. Binayak Sen, who received them from an undertrial prisoner Narayan Sanyal (alleged to be a member of the CPI (Maoist), then being held in Central Jail, Raipur under an IPC murder case. It is further alleged that Dr. Binayak Sen used to meet with co-accused Narayan Sanyal in Central Jail, Raipur and that he had 33 meetings with Narayan Sanyal between May 2006 and April 2007. The specific allegation against him is that he was a conduit carrying secret letters written by Narayan Sanyal and delivering them to Pijush Guha, for further transmission to other associates of the proscribed Maoist organization.

It is further alleged by the prosecution that after Dr Sen's arrest, his house was searched by Police on 19/05/2007 in which certain objectionable literature and letters, written by members of an unlawful organization, were seized as were a computer and Compact Discs. Yet another set of allegations are that he had, in 2005, helped Narayan Sanyal arrange a rented house to live in at Raipur and that Binayak Sen's name was found in some objectionable material related to Naxal activities seized in Naxal infested districts of Dantewada and Rajnandgaon. Initially, the case was registered in the name of Pijush Guha, and later, Dr Sen was made a co-accused in the case. Even after it was argued (in the high court bail application of Dr. Sen) that Narayan Sanyal was an undertrial in an IPC case, Dr Sen who visited him

was booked under an anti-terrorist law. Sanyal was also made a co-accused in this case. Dr Sen along with two others has been charged under Sections 3, 10 (a) (i), 20, 21, 38, 39 of the Unlawful Activities (Prevention) (amendment) Act 2004, Sections 2 (b) (d), 8(1),(2), (3), (5) of the Chhattisgarh Vishesh Jan Suraksha Adiniyam 2005, and sections 120-B, 121-A, 124-A of Indian Penal Code.

The trial of the case commenced on 30<sup>th</sup> May 2008 and by 17<sup>th</sup> December 2008, 38 witnesses have been examined out of the 87 witnesses presented by the prosecution. Taking into account the additional 47 witnesses in the supplementary charge sheet, 96 witnesses are still to be examined by the trial court. Given the fact that Indian courts have huge backlogs and are heavily burdened by an impossible case load, and also taking into account the dilatory tactics of the prosecution, the ongoing trial of Dr. Binayak Sen does not seem to be heading for conclusion in the near future. The charges are of sedition and aiding and abetting an unlawful organization, and if proved, carry a sentence of imprisonment for upto 10 years. His bail application was rejected in a one line judgment by the Supreme Court in December 2007 after strident opposition by the state government.

On 5th December 2008 a supplementary Charge-Sheet has been filed by the Police in which 47 more witnesses are cited. The charge-sheet does not add substantially to the prosecution arguments. The charge-sheet includes information on bank account details of Dr. Binayak Sen, his wife, and a Charitable Trust the couple set up in 1995; material allegedly seized during anti-naxal operation that mentions Binayak Sen; news clippings that give details of destruction and loss of life in Naxalite attacks; news clippings to the effect that the National Human Rights Commission has given the Salwa Judum a clean chit. These documents are absolutely irrelevant to the case against Dr. Binayak Sen and have actually been filed to delay the culmination of the case.

## KHAIRLANJI AND THE WOMEN'S MOVEMENT

Dr. Binayak Sen, whom the state seeks to confine in jail for an indefinite period, is a widely acclaimed public health practitioner who has served the tribal people in the state selflessly for the last 25 years. Realizing that the causes of ill health lay in malnutrition and poverty, Dr Sen recognized that basic human rights needed to be bolstered in order to make 'health for all' a reality. It is his championship of human rights that made him in 2005 a bitter critic of Salwa Judum and of the forced displacement of the people of 640 villages in Dantewara, and the destruction of the lives of indigenous people that it unleashed. This position drew attention to the man who had quietly worked with tribal people in a forgotten corner of India for a quarter of a century and also drew upon him the wrath of the state government.

Dr Binayak Sen's services have been recognized by the Christian Medical College, Vellore, his alma mater, which has bestowed, in 1997, the prestigious Paul Harrison award on him, the first non-Christian to have received this award. Subsequently, the Indian Academy of Social Sciences has honoured him with the RR Keithan gold medal, for his 'radical reinterpretation of Gandhiji's core concerns', and in May 2008, the Global Health Council and its international jury from 140 countries bestowed on him the Jonathan Mann award for Health and Human Rights. Twenty six Nobel Laureates wrote to the government of India and the Chief Minister of the state of Chhattisgarh appealing that he be allowed to receive this award in person, and standing guarantee for his return to face the due process of law.<sup>1</sup> These appeals have fallen on deaf ears as has a public statement of Prof Amartya Sen that Dr Binayak Sen's incarceration was a travesty of justice.

### Ilina Sen

Centre for Women's Studies, Wardha.  
ilina@gmail.com

<sup>1</sup> Series of Protests are launched across the globe to release Dr. Binayak Sen and to repeal the Repressive Chattisgrah Special Security Act (CSPA) as well as disband the state sponsored militia, *Salwa Judum*. These protests have been organized by various civil society forums, students and faculties from Indian and International universities to coincide with the ongoing Raipur Satyagraha. Besides these, fifty international groups have written to the Chattisgarh government to release Dr. Sen.

The massacre of four members of a Dalit family by the non-Dalits in a village in eastern Maharashtra in September 2006 and the events that followed should be seen as a wake-up call for feminists in India. The bare facts of the actual event are brutal and horrifying. The family of Bhaiyalal Bhotmange (the only survivor) was massacred: he lost his wife Surekha, their two sons and daughter Priyanka. They owned a small piece of land in the village, which had been acquired from Surekha's brother. Priyanka was a bright girl studying in college, and her mother had bought her a bicycle. The family had been harassed for some time by the non-Dalits in the village, and had even given up a part of their land to make room for a common passage through it. However, they were economically stable and resisted further attempts at harassment. On September 29, 2006, when Bhaiyalal was out of the village, the family was attacked; the women subjected to gang rape, the two sons were tortured and all four of them were murdered. Their bodies were found dumped in a river.

Commentators on the incident have pointed out that there were no upper castes in the village, and that the 'backward' caste-Hindus carried out these atrocities. However, officials and politicians of different caste backgrounds, from Dalit to upper caste, were involved in the subsequent cover-up attempts.<sup>1</sup> The police failed to act on time and could neither prevent the crime, nor record it and collect necessary evidence. Forensic tests were delayed and mishandled and therefore evidence of rape could not be submitted in the courts. The state Home Minister announced that Naxalites were responsible for the crime. Newspaper reports downplayed the caste-related aspects of the massacre: an English-language paper claimed that since there was no upper-caste person in the village, this crime had nothing to do with caste. When charges were framed against eleven of the perpetrators (out of a total of nearly 50 accused), a local court convicted eight of them for murder alone.

Another striking aspect of the Khairlanji murders was that even in the Marathi-language media, news of such a brutal massacre was suppressed or confined to small reports that ignored the caste aspects of the crime. A whole month passed before news of the massacre reached the general public. Ironically, October 2006

marked the 50<sup>th</sup> anniversary of Dr. Ambedkar's conversion to Buddhism, and lakhs of his followers gathered in Nagpur on Dassehra on October 2<sup>nd</sup> and again on October 14<sup>th</sup> to commemorate the occasion<sup>2</sup>. But there was silence on the Khairlanji massacre, which had occurred a few hundred kilometres away, in the same Vidarbha region of Maharashtra.

Protests were staged some time after this, but they largely came from small Dalit groups and women activists in Amaravati, Yawatmal and Nagpur in the Vidarbha region, and they were severely repressed by the local police. Some Dalit and Bahujan (non-upper-caste) women's organisations in Mumbai held a protest rally. But a wave of spontaneous and semi-violent protests by Dalit youth broke out all over Maharashtra towards the end of November, when news spread of Ambedkar's statue being desecrated in far-off Kanpur. The seemingly unrelated incident in Kanpur triggered the simmering public resentment around the Khairlanji massacre. The state government reacted by severely repressing the Dalit people, declaring curfews in many towns and forcibly arresting many Dalit youth. The government was concerned that Babasaheb Dr. Ambedkar's 50<sup>th</sup> death anniversary was coming up on December 6 and large crowds of Dalits and neo-Buddhists were expected to gather in Mumbai and Nagpur. These gatherings are an annual affair however, always peaceful and well managed in spite of the large numbers involved. Again, English and Marathi newspapers reported middle-class fears of violence. Since they had no sympathy for the Dalits, they expressed inconvenience about an occasion that was important for Dalits.

Three features of the aftermath of the Khairlanji massacre should be of concern to us: an orchestrated attempt to destroy evidence of the *caste and gender aspects* of the attack, the chilling silence of the media and political leaders, and a severe state repression of the protests. Some of those protests were initiated by women and women's groups, but were organized mainly at a local level.

A study of some other incidents of caste violence in Maharashtra and elsewhere, points to a disturbing common factor: when an act of violence is committed against victims who are perceived as violating the caste and patriarchal order, there is a concerted attempt to *deny even the fact that an atrocity took place*. This act

of covering up involves many more than those who are the guilty and those who have an interest in protecting them. This is a pattern we could discern in the Bhanwari Devi case, where judges claimed that upper-caste men *could not* have raped a lower-caste woman in the presence of their peers. In Khairlanji, wiping out evidence of rape required the co-operation of several members of the police force, the medical establishment and the civic administration. Even in the recent attack on women in a pub in Mangalore, the team sent by the National Commission on Women reportedly neglected to interview the victims and focused instead on whether the pub in question had a valid licence.

The act of violence in each such case is punishable under Indian law. What we are seeing in the denial of these crimes is action motivated by *another code of conduct, another morality, another legal framework*: the laws of caste and patriarchy. We know that people act within the boundaries of these laws in their personal lives, in their choice of marriage partner, in the contacts they develop and sustain for business and career. What we are witnessing to an alarming extent in India today is the willingness of persons across the caste hierarchy to support, or at least to condone, acts of violence committed in the defence of these laws.

Politicians across the spectrum echo the same sentiments because they calculate that this is the feeling of the majority. The state also suppresses protests that aim to defend the rights granted to all citizens under the Indian Constitution.

I think it is time for the women's movement, as well as the Dalit movement, to confront this reality and take a firm stand.

#### Notes :

1. A comprehensive report giving the full details of the crime and the attempts at cover-up was prepared by Yashada, Pune, a government training institute for public servants, under the leadership of Ratnakar Gaikwad. The report was posted on the Internet until the state government ordered its removal.
2. In 1956, the conversion to Buddhism of Dr. Ambedkar and thousands of his followers took place on the day of Dassehra, which fell on October 14, 1956.

**Wandana Sonalkar**

Aurangabad

wsonalkar@gmail.com

# THE ARMED FORCES (SPECIAL POWERS) ACT 1958 (AFSPA): A Fact Sheet

Over the last five decades, heavy militarization in the north east has taken its toll on normal civilian life and led to innumerable instances of violations committed against the civilian populations there. Encounter deaths, extra judicial killings, disappearances, arbitrary arrests, rape and torture have been a regular feature among the relentless series of atrocities meted out to the people by the army with impunity, especially in areas where they are protected by legislation like AFSPA.

Some of the most widely known incidents of such excesses in the North East are:

- army torture and violence against the villagers of Oinam (Manipur) in 1987 who were detained in army camps, beaten mercilessly, given electric shocks. At least 3 women were raped, 15 villagers killed, and many left permanently disabled;
- the gang rape of the women of Ujanmaidan (Tripura) by security forces;
- the terror wreaked by the army in Assam during Operation Rhino in 1991;
- the shelling of the town of Ukhrul (Manipur) with mortars in May 1994 by the Assam Rifles when they violently ransacked the town, leaving many homes damaged, over a hundred men and women bleeding with serious injuries and 3 dead;
- four women raped at gunpoint, and homes and shops set on fire by the Maratha Light Infantry, killing others people in December 1994 in Mokokchung (Nagaland);
- indiscriminate firing on civilians and combing operations by the combined forces of the 16th Rashtriya Rifles, CRPF and Assam Rifles when a tyre of an army jeep burst in the Kohima town (Nagaland) in March 1995;
- torture, forced detaining, starvation, sexual assault of women and looting in the 5 villages of Namtiram (Manipur) in 1995 by the 21st Rajputana Rifles;
- the army's reign of terror in Jesami (Manipur) in January 1996;
- the rampage of the village of Huishu (Manipur) by the Assam rifles in March 1996
- the massacre of 10 innocent civilians by the Assam Rifles in Malom (Manipur) on 2 November, 2000 by security forces
- the torture, rape and killing of Thangjam Manorama in Imphal (Manipur) in 2004

Outside the north east too, human rights violations in Jammu & Kashmir under the AFSPA are commonplace, including disappearances, torture, arbitrary killings and numerous instances of mass rape of Kashmiri women by security forces.

## AFSPA : Constitutional Contradictions

The large scale violations of fundamental rights in the north eastern states is a direct consequence of the provisions of the AFSPA, of areas declared as Disturbed Areas under Section No. 3 and the simultaneous acquiring of wide powers by army personnel under Section 4 of the Act.

The AFSPA which grants armed forces personnel the power to shoot to arrest, search, seize and even shoot to kill, violate the Right to Life enshrined in Article 21 of the Constitution of India which guarantees the right to life to all people.

The AFSPA also violates the International Covenant on Civil and Political Rights (ICCPR). Indian signed the ICCPR in 1978, taking on the responsibility of securing the rights guaranteed by the Covenant to all its citizens. In particular, the Act is in contravention of Article 6 of the ICCPR guaranteeing the right to life.

Crucially, the AFSPA effectively undermines civil authority. For instance:

After the Oinam incident (1987) the Chief Minister, wrote to the Union Home Minister, "*The civil law has, unfortunately, ceased to operate in Senapati District Manipur due to excesses committed by the Assam Rifles with complete disregard shown to the civil administration. ....the Deputy Commissioner and the Superintendent of Police were wrongfully confined, humiliated and prevented from discharging their official duties by the Security Forces*". And consequent to the Kohima incident in 1995, even the Superintendent of Police, Kohima, was stopped at gun point by army personnel.

At the same time, the AFSPA is an emergency legislation that Constitutionally requires to be reviewed every 6 months. Yet it has been imposed in Manipur and other states of the north east for years on end, which contributes the misuse of unbridled and arbitrary powers by the armed forces.

**end the law that gives the armed forces immunity for rape, murder, torture and other heinous crimes.**

**end the ARMED FORCES (SPECIAL POWERS) ACT 1958**

Prepared by SAHELI and PUDR.

## UNDERSTANDING AND RESPONDING TO THE MANGALORE ASSAULTS

How should we in the women's movement understand and respond to the cluster of assaults by the Rama Sene, Bajrang Dal and other fundamentalists; the targeting of minorities and their places of worship; the harassment and molestation of women of all classes in the name of nation, culture and religion; the fear and anger spreading through villages and towns in southern-coastal Karnataka?

As Sandhya Gokhale of the Forum Against Oppression of Women, Mumbai, says in *The Hindu*, at one level the horrific abuse of young women in a pub is 'a morality issue', but it is also about the space and decision making power for which women have fought for years. Arvind Narrain of the Alternative Law Forum, Bangalore, writing in the *Indian Express*, sees the abuse of religious and sexual minorities as the 'saffron' challenge to 'the legacy of the women's movement in India' and 'the thin end of the wedge' in re-establishing male dominance. Indeed, enhancing the freedom and autonomy of individual women has been one of the cornerstones of the women's movement. In a gender-equitable democratic polity, matters of dress, behaviour, mobility and personal life choices are not less important than people's rights to livelihood, dignity and an empowered citizenship. Not surprisingly, in protests all over the country, whether by students and teachers in Mangalore or at the Tata Institute of Social Sciences, Mumbai, by Vimochana, Hengasara Hakkina Sangha and other women's groups in Karnataka, by activists like Nirantar, Saheli, Jagori and INSAF in Delhi, by organisations of dalits and slum-dwellers, or of young designers, IT professionals and academics in Bangalore, there is a common refrain: 'What happened to our freedom?', 'Where is democracy?'

For the Rama Sene the issue of 'morality' is subsumed into an attack on westernisation and so-called 'pub culture'. This has been helped along in no small measure by National Commission for Women member Nirmala Venkatesh (formerly a Congress MLA in Karnataka, elected unopposed in a bye-election) who deviously attempted to shift the debate from the criminality of the assault to the legality and functioning of the pub. Commenting in the *Deccan Herald* on a counter-protest in Mangalore by college girls shouting, 'Pub culture: Down! Down!', TV journalist Vasanthi Hariprakash says she asked their leader what was meant

by pub culture. 'Adhu American samskriti' (that's American culture), the girl said. When she persisted with the query, the girl replied 'I don't know what it is... but I have been told it is bad'. Vasanthi writes, 'I realised that anguished Indians some of who happen to be proud Hindus like me, have a long battle to fight — against mindsets, not just a fringe group of maniac men.'

Is this then all about deeply embedded sexual politics, about using women's bodies as the repositories of an imagined homogenous Indian culture? Journalist Ammu Joseph urges a debate on what Indian culture is and who has the right to enforce it. Our cultures are after all dynamic, not set in stone and, as some *littérateurs* at the Kannada Sahitya Sannam at Chitradurga asked, 'Why should women alone be targeted as guardians of culture?'. In a 'Joint Statement on the Brutal Assault in Mangalore', a cross-section of over 600 citizens from India and beyond, have pointed out that there 'can and should be dialogues on what constitutes "Indian-ness", but regardless of the interpretations of Indian culture and traditions, beating and molesting women cannot be condoned'.

Indeed, the bustling port town of Mangalore and the adjoining rural areas along the Konkan coast were formerly known for the remarkably peaceful admixture of cultures and languages (Tulu, Konkani, Kannada and Beary), with diverse communities including the Hindu Billavas, Mogaveeras, Bunts and Saraswats, the Muslim Bearys, the Catholics, Jains and several others. A century ago, Christian missions brought education and health care to Christians and non-Christians alike. In the decades since, banking and commerce flourished, as did a distinct melded Mangalorean cuisine. Despite differences of religion, caste and class, everyday life was not marked by deep social discrimination or religious prejudice. Some of the Tulu-speaking communities like the Bunts and the Jains are matrilineal and matrilocal. In the past, Mangalorean women have had a relatively better social position; leaders such as Rani Abbakka, a Jain who fought the Portuguese in the 16<sup>th</sup> century, and the Gandhian social reformer Kamaladevi (nee Dhadeshwar) Chhatopadhyay, a Saraswat Brahmin, are much acclaimed. In keeping with the region's pioneering and egalitarian heritage, in 2006, Mangalore University became the first in South India to introduce 'Gender Equity' as part of the foundation course for every

undergraduate student in some 125 affiliated colleges in Dakshin Kannada, Udipi and Coorg districts.

As in other regions on the West Coast, however, emigration and large cash remittances from the Middle East have transformed the social fabric, creating pockets of great wealth, growing consumerism, new aspirations and social fizzes. During the 1990s, the sandy shores, the groves of betel and coconut, the old tiled houses on meandering streets, and the tolerant attitudes changed rapidly with a boom in construction, multiplexes, malls, even hospitals for 'health tourism'. Disputes between merchants of different communities, between fisher people and traders, incidents involving young Hindu and Muslim girls and boys, all this was exploited by the Bajrang Dal and the Hindu Jagran Vedike to incite violence against the Muslims, as in Suratkal in 1998-99. Most Hindus and Christians remained silent observers at that time. A decade later, the Hindutva elements had grown powerful enough to control a subterranean economy of extortion from newly rich hoteliers and pub owners, even as different groups on the saffron fringe began to fight for the same terrain. In 2008, churches across Mangalore were attacked and ransacked with impunity, ostensibly on the issue of religious 'conversion', while the BJP government in Karnataka took its own time to restore law and order. But the Mangalore Catholics, an organised and educated community, did draw support from the rest of India.

In recent years, taking a leaf out of the Shiv Sena's book, the leaders of the Rama Sene are reported to have begun recruiting poor young men from villages in the vicinity, luring them with petty jobs in Mangalore. It is

this cadre of youth, bound by ties of gratitude if not ideology, that is said to make up the Sene's strike forces. It is easy for Hindutva propagandists, or for any pseudo-religious political grouping, to prey on the anxieties and aspirations of people pushed to the edge by poverty and unemployment. These young men must bear the consequences of their brutal televised assault, yet we need to recognise that to some extent they are also victims of a mafia. The 'pub attack' has aroused widespread anger and debate, across class, age and social groups. Karnataka has earlier seen unspeakable atrocities against dalit women, horrendous 'acid attacks' and other kinds of violence against women of all communities, but never before have the media and the middle class empathised with such spontaneity and vehemence.

The women's movement needs to take advantage of the unprecedented coalition of civic groups to counter the attitudes and mind-sets that tacitly or directly accept gender-based violence in the family, the community and society. This is not just about 'pub drinking' by urban, elite upper caste women but about communalism and gendered violence at all levels. We need to foster rational dialogue between cultures and affirm our commitment to the human rights and civil liberties of all classes of women threatened by religious fundamentalists, be they Hindu, Muslim or Christian, in Karnataka, Tamil Nadu, Maharashtra or elsewhere. For these are rights that have been so hard won by so many women across religion, caste and class through decades of struggle for gender justice.

**Sumi Krishna, Bangalore**  
*sumikr@gmail.com*

### **Women for Cultural Freedom (WCF)**

At the initiative of Asmita Resource Centre for Women **Women for Cultural Freedom** has been formed in Hyderabad to respond to the attack on women in Mangalore. The forum called on the public to protest urgently and said differences must be respected. The forum then jointly issued a statement as follows:

We as women and citizens of a free and secular country with diverse cultures are alarmed at the increasing violence against women by vigilante groups in the name of culture and tradition. No group has the right to physically or verbally assault women arrogating to itself the role of maintaining public morality. We are alarmed at the non committal conformism of most politicians. The issue is not of morality but of civil and human rights. As citizens of this country women have the right to dress as they please, meet friends of their choice and move freely with men and women of all communities. One cannot address the social and emotional insecurities caused by globalization through political gimmicks and blackmail. **Woman for Cultural Freedom** have decided to continue organizing meetings in colleges, universities and other institutions to guard the shrinking spaces in our society. WCF feels this violence against women in the name of culture and morality by self appointed guardians of culture like Ram Sene is neither justifiable nor acceptable in a country whose constitutional guarantees its citizens freedom of speech and expression.

## MAHARASHTRA GOVERNMENT'S PROPOSAL TO AMEND S.125 OF CR.PC

The Domestic Violence Act is very new and there are many smaller towns and district areas where women's groups and women's rights lawyers are not present. Cases are filed by small time lawyers regularly practicing in magistrate's courts who only use the well oiled legal provisions in a routine manner. The lawyers and magistrates themselves in many instances are not aware of the newly enacted DV act. The maintenance provision under S.125 Cr.PC is a widely used legal provision which most lawyers are well versed with.

What usually happens is that when a woman is deserted, she usually files a case under S.125 Cr.PC. She may not be interested in an injunction for residence or for compensation under the DV act. All she wants is subsistence allowance to prevent her from destitution. The ploy most often used by husbands and their lawyers, to defeat the woman's claim, is to challenge the validity of the marriage either by alleging that he has a wife from a pre-existing valid marriage or that the woman's former divorce (usually done informally through customary practices) is not valid and hence she is not entitled to maintenance. The case goes on for a long time and becomes extremely contested and delays the entire proceedings of awarding the meager amount of subsistence by way of maintenance. If she loses the case on this ground in the lower court, she would then be constrained to approach the Sessions court in appeal and from there the High Court and even the Supreme Court. This is a long and cumbersome and expensive procedure which very few women can avail of. In such cases, some High Court and Supreme Court have upheld the right of women in marriage like relationship based on the premise that S.125 Cr.PC is a social legislation meant to prevent destitution of women through summary court proceedings. But there are other rulings of the same court (and even Supreme Court) which have denied women maintenance merely on the basis that she is not the 'wife'. The present proposal is to avoid this undue hardship to women and to clear the ambiguity at least in the state of Maharashtra and secure the rights of women in such relationships.

The question - why amend S.125 Cr.PC when

we have DV - is like asking why should women have a right of maintenance under personal laws when the remedy is available under S.125 Cr.PC. or vice versa. There are myriad ways in which women's rights are litigated and the challenge today is to ensure that women's rights are secured under every legal provision and especially under those most often used. What the provision aims at is for a remedy for women from the lower classes and rural areas who are unable to maintain themselves (this is a pre-condition under the statute) who are constantly called upon to prove marriage when they claim maintenance. When the government has taken the initiative, we feel it is important for us to support it.

We would like to inform the network that in view of the sensationalisation and polarization that has gone on in the media during the last few days, we feel that a clarification of our stand by way of a press statement is necessary. This is because of the undue hardship our district lawyer network has been facing over the years. If there is a difference of opinion, that's fine, we can agree to disagree and leave it at that. No problem.

**Flavia Agnes**

*Senior Advocate and Feminist activist*

Mumbai.

*majlis@vsnl.com*

### Call for Announcements and Reports

Announcements or Reports of courses, fellowships, seminars, conferences, consultations, hearings, workshops, etc. related to Women's Studies are welcome for publication in the IAWS Newsletter.

Please send them to [anandhister@gmail.com](mailto:anandhister@gmail.com), and do try to keep them brief (usually approx.350 words), or they may have to be edited. The Editorial Committee will select the most relevant submissions for each issue.



## RENEGOTIATING INTIMACIES: MARRIAGE, SEXUALITIES, LIVING PRACTICES

*Report on a conference organized by*

**School of Women's Studies, Jadavpur University, Kolkata, December 21-23, 2008**

The three day Conference (title mentioned above) was funded in part by Rosa Luxemburg Stiftung, Germany and was inspired by the School's critical engagement with a project on changes in forms of marriage and relations within it. The conference was mooted to help broaden the conception of the field. We felt that a conversation on issues of "intimacy" would help us think through established dichotomies like public/private, heterosexual/homosexual and state/family. In India, in the last two decades, the contours of this field has been greatly transformed, in political and activist debates, in theoretical perspectives, in the arenas of the state, in the field of media and representations and, most importantly, in diurnal living practices, all of which are in dynamic interplay. The conference was part of an attempt to take a new approach to questions of marriage and sexuality based on the above premise, with the predominant themes being 'change' and 'continuity'.

Mary John, in her keynote address, traced the trajectory from the workshop on issues of sexuality, which she had organised with Janaki Nair in 1996, at the Madras Institute of Development Studies, to the present. While the term 'sexuality' was an unexplored terrain in 1996, 'intimacy' has remained an unfamiliar territory in feminist politics so far, with a range far wider than sexuality. No more is sexuality cross-examined in the mode of interrogative silence. The change has been prominent with the crystallization of non-normative sexualities through the movement of sex workers on the one hand and the many forms of LGBT and queer organizations on the other. The importance of the term 'intimacy' lies in its ability to challenge hegemonic heteronormativity by opening up a wide range of issues.

Ranjita Biswas, in her paper, moved beyond the familiar contours of the debate on 'to be, or, not to be married' by thinking from the lives (and deaths) of lesbians which might enable us to see things that otherwise have been invisible to us, not just about loves, kinships and hatreds, but also about pleasures, possibilities and politics. Whilst it is undoubtedly

important to demand the recognition of non-heterosexual bonds, we also need to re-evaluate the privilege accorded to sexuality itself as the gateway for general intimacy and love.

Mary John pointed out that in contrast to western modernity, where compulsory heterosexuality and serial monogamy was the norm, it was important to realize the primacy of the institution of compulsory marriage for both men and women in the Indian space. Prem Chowdhry's paper corroborated the above contention when she referred to unmarried men in Haryana as threats who prove their masculine worth only when they ensure male progeny. Such men face public marginalization for being sexually 'inadequate'. The very low sex ratio in Haryana has changed the marriage market as seen in a steep rise in transactions of brides from the east (Assam and West Bengal) and the south (Kerala) to Haryana, leading to violence and exploitation of female labour in the name of marriage. This brings to fore the overlaps between migration and marriage and makes us realize that dowry related violence – one of the major issues in women's movements – is just one of the forms of violence in marriage.

The conference thus made an attempt to move away from the dichotomies of economic/social or economic/cultural in understanding the social processes that constitute marital regimes in India. In globalized India, caste, kinship, economic insecurities, sexual anxieties and some of the globalizing desires of new conjugalities are all being expressed through the institution of compulsory marriage. Marriage in India is being glamorized while not losing any of its old, standard functions as the bedrock of reproduction of castes and communities as seen in the case of marriage alliances. Our project findings show that the modern Indian woman of the metropolis, through technologically advanced intermediations in marriage, like matrimonial websites, is being asked to "arrange her love marriage". Thus, initially a spouse is chosen from a family whose class, religion, caste matches that of her family. It is then

expected that the engaged couple date each other and 'fall in love'. Data from our project reveals a flourishing commerce in marriage intermediation and an 'Indianisation' of the process of re-inventing traditional mores. The change in representation of marriage in Bollywood films from *Laila Majnu* to *Dilwale Dulhania Le Jayenge* (DDLJ) is evident, the latter underlining the frantic effort to affirm patriarchal authority.

Rajni Palriwala discussed the centrality of the autonomous individual self in notions of romantic love and the articulation of love as the basis of marriage in the capitalist world. A shift observable post globalisation, especially in the representation of romantic love in the media, was the breaking down of the dichotomy between love and material interest. As signs and symbols of love and its meanings changed, love was expressed and affirmed through hetero-normative relations and through gestures of public demonstration and material gifts. Navaneetha Mokkal analyzed the film *Sancharam*, alongside reports and debates on lesbian suicides in Kerala since the 1990s, in order to interrogate the limits of a universal language of sexual identity politics. The paper problematized the celebration of *Sancharam* as a radical articulation of queer desire by showing how the film does not engage with the complex challenges raised within queer rights activism in Kerala. Janaki Abraham focussed on the dramatic change observed in the recording of weddings in Kerala where the cameraman seems to officiate at the wedding, contributing to the circulation of norms and ideas of wedding rituals, and reducing the marriage rituals to a performance. She related this to the diffusion of the Bollywood construction of the great Indian wedding, as seen in the way that *Vidaai*, a North Indian ritual, has changed the ways in which South Indian marriage videos are filmed.

Our project analysed media events and the roles they played in the construction of marriage and sexuality norms. An incident, where a Hindu girl chose a Muslim mate deemed 'undesirable' or 'inappropriate' by her family, provoked a wide range of opinions and protests from civil society in Kolkata. The media event was widely covered by regional television channels for more than a month. While the advanced technology of the globalised media has created spaces for debates on gender issues, the media continues to project a strong conformist dimension, which reinforces the institutionalisation of marriage with great vigour. Nandita Dhawan's paper was

based on interviews with married women earning five-figured salaries as well as lower class married women working as domestic workers. In both categories, conflicts and negotiations arose from marital infidelity and extra-marital affairs. However, lower class women moved out more easily of 'oppressive' marriages vis-à-vis middle class women who desisted from resorting to legal remedies. It was seen that the married 'new woman' of the upper classes rhetorically asserted her social, cultural and moral ascendancy over the lower class woman, allegedly marked by her undisciplined sexuality and disrespect for the legal sanctity of marriage.

There is at present great concern with the legal battle being fought against the criminalization of gay relationships. Ponni Arasu argued that whilst the non-normative heterosexual marriage may challenge the constructive role of marriage in the public sphere vis-à-vis social normativity, it may not necessarily challenge the institution itself and therefore it is important to analyse its role in designing the intimate sphere. Ranjita Biswas' analysis of Lesbian standpoint thinking could potentially bring to crisis the hegemonic heterosexual imagination of family and of kinship networks. Such formations could be support networks, lesbian, gay non-marital kinships, and even the commune to name just a few possibilities. It could also help us redefine women's (as also men's) relation to each other that remains to this day a founding concern for a feminist ethico-politics.

The conference helped to unravel processes of 'othering' which are used as ideological, political and theoretical tools to reinforce the privilege of motherhood in marriage. Rekha Pappu focused on the category "single woman" — a visible 'other' — the 'unmarried — unmarrying woman' in her paper, who figures as an anomaly in a field where marriage is the only sanctioned form for the expression of heteronormative desire. Swati Ghosh, in her presentation, sought to address the ambiguity in the situation of prostitutes in contemporary Bengal, with regard to issues of domesticity and motherhood. The paper argued that there was a need to explore if the act of imitation of domesticity reflects a subversive stance on the part of the prostitute or is simply practiced as an escape from the assigned role of sexual provision that shapes her being.

Modhumita Roy's paper on surrogate motherhood critiqued the commercialization of pregnancy which

created a breeder class of women with no rights to their babies and reified the idea of genetic inheritance. This paper underlined the shift of sex as reproduction to one of consumption in globalizing India. Hardik Brata Biswas traced the nature of women's representation in Bangla pornographic narratives roughly from the last two decades and the specificity of the 'family' in such 'fictional narratives'. In most of these narratives, the Hindu middle-class family is the site of pornographic pleasure and sexual violence. The paper also suggested the importance of examining the constitution of the 'woman' in the family through speech acts/language within particular discourses in porn narratives.

## TEACHING 'FEMINISM' IN A UGC REFRESHER COURSE

Recently, Anveshi Research Centre for Women's Studies along with the Academic Staff College, Moulana Azad National Urdu University, Hyderabad conducted a refresher course in women's studies. Anveshi's proposal for conducting a refresher course in Women's Studies was met with enthusiasm by the Urdu University, with an active Women's Studies Cell that runs an MA course in Women's Studies. After a year and a half of discussions, it was decided that the course would be titled 'Feminism: Theory and Practice in India' and that its objective would be to introduce the participants to issues and debates raised by the Indian women's movement over the last twenty five years. It was felt that feminist debates could be understood better when gender is introduced through its constitutive contexts in India such as law, development, health, literature, visual culture and feminist documentary film making and social movements rather than through the conceptual debates on gender or feminism itself.

Among the seventy five candidates who applied for the course, Staff College selected nearly fifty people, but twenty four actually turned up for the course. The participants, fourteen women and ten men were from varied disciplines such as literature, economics, political science, geography with one participant from women's studies. A majority of them were from literature and economics. Ten participants came from four states of Northeast – Meghalaya, Nagaland, Assam and Manipur. Maharashtra and Orissa also had a presence. Many had not heard of women's studies and came merely to fulfill the requirement for their promotion, as per University Grants Commission's guidelines.

The conference pluralized the concept of marriage by including in its corpus alternative and normative forms. Marriage, reproduction, sexuality, labour and property as overlapping categories were neither convergent nor congruent and needed to be analysed both within and outside the paradigms of marriage. The conference was successful in reassessing political debates and theoretical frameworks of relations of gender, with overlapping frameworks of marriage, sexualities and living practices through an interdisciplinary feminist perspective.

**Madhurima Mukhopadhyay** and **Nandita Dhawan**  
*School of Women's Studies, Jadavpur University.*  
swsju@rediffmail.com

The feminist debates in the constitutive contexts were introduced as follows. The Social Movements section explored the debates on how questions of caste, sexuality, and minority figured in the women's movement; how gender figured in the Dalit movement and the relation between women's movements and women's studies. In the Gender and Literature section, debates on writings of women, on gender and literature, Dalit literature, and the feminist critiques of literary canon were discussed. In the section on Women and Development, important strands of development thinking in India, methodological issues raised by feminist economists about women's work and economy, debates on self-help groups and informal labour, and well-known experiments such as SEWA and Mahila Samatha programme were discussed. In Health, issues were introduced through debates on population policies and women, politics of nutrition and the implications of HIV- AIDS on women in India. The Law lectures focused on gender and politics of law reform in colonial India, debates on rape law reform in post-Independent India, politics of personal law reforms as well as significant public interest litigations such as the Right to Food and the Right to Information campaigns. Visual culture lectures familiarized the participants to the notion of 'image' in cinema and Western art, engendering vision, the debates in film studies, gender in Indian cinema and the issues of censorship. Debates in feminist documentary filmmaking were introduced through a discussion of the concepts of realism and documentary; relation between feminism and documentary film making in India, the notion of body in the feminist documentaries. Several documentary films were screened as part of this module. Many other

resource persons also used visuals, films, short stories, letters etc. in their lectures.

The participants were responsive in general, though quite a few were silent too. When asked for reasons, they replied that as everything was new to them, they needed time to absorb what they were listening to in the classroom, before responding. Many wanted more reading material, as there is a dearth of reading material in the places they came from. For instance, an English lecturer (who could not speak without quoting Shelley or Wordsworth) from Ganjam, Orissa, said that except *Manusmriti*, there is not a single book in their college library concerning women. Resource persons, in turn, felt that the participants were an unusual group, listening carefully, asking thoughtful questions and not cynical about women's studies or feminism. Surprisingly there was not a single episode of heated exchange between the participants and resource persons or among the male and female participants over the issues being discussed in the classroom. However, when issues of sexuality and sexual consent were being discussed, one could discern certain discomfort among the male participants, with some even unable to stop their giggling to deal with their discomfort.

In the informal discussions over tea and lunch, the participants noted that in this course, the question of feminism and women's issues was posed in several unexpected ways, from angles that they have not thought before. A few wondered how topics such as Dalit literature or visual culture fit into a 'women's studies' course. A few more expressed the anguish that 'identity' issues such as Dalit and minority may be creating fissures within women's movement thereby 'diluting' the issue of women's oppression. Some strongly felt that such a course should be introduced at the graduate level in all colleges thereby enabling creation of awareness about women's issues. In the feedback forms that they obliged to fill, participants from North East felt that while the course could have included more topics from the northeastern parts of India. A few felt that the course was hectic and the number of lectures could be cut down. In the end, most participants said that they were going back with a feeling of having learnt something new about 'women'.

**A.S.R.V. Suneetha**

*Anveshi Research Centre for Women's Studies, Hyderabad.*  
suneethaasrv@gmail.com

## SINGLE WOMEN AND THE STRUGGLE FOR LAND AND PROPERTY RIGHTS

Widow, divorcee, lesbian and spinster—guess what's common to this assortment of women? Apparently, they are all without a husband, the one relation that 'sanctifies' a woman's position in society. Seen as the abject, they are condemned to inhabit the social fringes of communities. Despite this strong similarity several dissimilarities abound. Unlike the picture painted by television soaps and chick-lit fiction about the English-speaking, urbane single woman, her counterpart among the lower classes, especially in rural India, lives through rather different experiences. Clearly, the 'single woman' is a rich category, complete with heterogeneity and specificities ranging across socio-economic divides and locations. Yet, all these women have suffered the collective amnesia of development agendas, especially with regard to land and property rights. A recent national workshop on the subject hopes to change that forever.

Organised by Sangat, a South Asian network of feminist activists, the workshop saw participation from far and wide—Andhra Pradesh, Tamil Nadu, Nagaland, Gujarat, Uttar Pradesh and so on. Over 40 activists and development professionals from national and international NGOs and civil society organisations, including representatives of *Ekal Nari Shakti Sangathan* (ENSS) or single women's associations participated. All participants have been at the forefront of the struggle to get women, especially single women, their legitimate rights to land and property. Their coming together to share and collaborate was the next step towards the goal. Kamla Bhasin, the Adviser to Sangat, said, 'Our association with the issue started several years ago. We have been rallying for women's rights to land and property in India and South Asia. So it was imperative to begin a national dialogue with fellow activists in the country, many of whom have done substantial work on the issue'.

The workshop was held in Sidhbari, a small village near Dharamsala, Himachal Pradesh from October 3-5, 2008. The occasion was the third anniversary of their *Ekal Nari Shakti Sangathan*, and a follow-up to their 30 kilometre, 3-day walk done six months back by nearly 3,000 women. The women had then walked to Shimla to present a charter of demands to the Chief Minister. This smaller gathering aimed to create a national charter of demands for single women. The issue of women's rights to land and property

face two major barriers to it: the priority given to tradition over modern laws, and women's own lack of awareness about their entitlements. More often than not, single women are denied a share in property and maintenance by their marital family. They are even seen as liabilities in their natal residence. Besides, they face social stigma, compounded by increased financial dependency. With an upsurge in rural-urban migration, many households are turning female-headed and sinking in poverty. This makes women, especially single women, vulnerable to violence and sexual abuse. For some categories of single women, for example, those who have been 'deserted', statistics are either not available or women themselves do not know their marital status. Hence, many do not have any legal documents certifying their single status, the lack of which further acts as a barricade towards seeking legal claims for support or maintenance.

Property ownership, on the other hand, can provide women a form of economic and social security. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), for example, obliges States Parties to 'take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women' (Article 2). It specifies particular rights of rural women, including the right to have access to agricultural credit and loans, the right to equal treatment in land and agrarian reform, and the right to enjoy adequate living conditions (Article 14), and obliges States Parties to grant women legal capacity in civil matters equal to that of men including equal rights to conclude contracts and to administer property and equal treatment in all stages of procedure in courts and tribunals (Article 15).

Even though the category of single women clearly constitutes a separate social unit in its own right, state-run schemes and programmes do not always recognize them as such. In the National Rural Employment Guarantee Act, for example, single women have not been issued separate job cards which would allow them to be financially self-dependent.

Shiraz Prabhu of Thane-based Kashtakari Sangathana demanded separate ration and pension for single women. This demand also features in the charter of national demands passed by the gathering of single women. Apart from this, the Charter asks that every single woman be considered as a below-poverty-line individual, that single women have access to free medicine and doctor's consultation, and have

fast-track courts settle land disputes involving single women and so on.

Azad from ENSS, Jharkhand, informed the group that out of 24 zillas in Jharkhand, ENSS has 18,500 members in eight zillas. The organisation also runs legal camps in villages for women, helping them know and understand their rights, while also supporting their fight to get them. A single tribal woman leader from Rajasthan, Chaggi Bai Bhil lived through a violent and abusive marriage and succeeded in her rights struggle. Her inspirational story turned her into one of the 1000 Peace Women nominated for the 2005 Nobel Peace Prize. In fact, the workshop had four other 1000 Peace Women nominees—Ginny Shrivastava, a Canadian woman who was a resource person for the workshop, and the driving force behind ENSS, Rajasthan; Abha Bhaiya, the feminist activist who has been instrumental in the Indian feminist movement and who now runs the Jagori Rural Trust; Kishwar Ahmed Shirali, a mental health activist among village women and children, Dr. Barbara Nath-Wiser, an Austrian medical doctor who runs a medical hospital in the village of Sidhbari. Abha Bhaiya noted, 'Recognition of single women identity is a historical milestone of women's movements. Demands for economic independence, political inclusion, socio-cultural citizenship, sexual autonomy and so on are areas of their search for dignity and pride'. With such strong campaigners at the helm of affairs, the movement should find success. Meanwhile, could the 'single' label for these women be replaced with 'strong' or 'independent' or 'self-reliant'?

**Amrita Nandy-Joshi**

(Excerpts from Tehelka Web special, Saturday, 22 November 2009)

### Call for Research Briefs

*Please send brief summaries of ongoing research in Women's Studies to [anandhister@gmail.com](mailto:anandhister@gmail.com). We specially welcome submissions from Ph.D. and M.Phil scholars and research students, as the aim is to create a research in Women's Studies with each other. Teachers and supervisors are requested to encourage their research in Women's Studies to send in synopsis of their theses/projects to the Newsletter. Each entry should be of approximately 125-150 words, and carry in addition the title of the thesis/research project as well as the name, institutional affiliation, e-mail address and phone number of the scholar.*

## RESOCIALISING INSTITUTIONS TO ELIMINATE GENDER DISCRIMINATION

*Refresher course in Women's Studies at the UGC –Academic Staff College, Bharathidasan University.*

The refresher course in Women Studies was organized by the Bharathidasan University, at the UGC –Academic Staff College, Trichy from 20<sup>th</sup> December, 2008 to 9<sup>th</sup> January, 2009 for the teaching faculty of all disciplines from various Colleges and Universities. The course was coordinated by Dr. N. Manimekalai, Director of the Center for Women Studies, Bharathidasan University, Trichy. Prof. Karuna Chanana, in her inaugural address emphasized the need for gender equity in university administration and policies and stressed also the need for increasing access to resources and power for women in higher education. Providing suitable women friendly environment and more visibility to women's contributions within the universities are, she stressed, immediate requirements for empowerment of women in higher education. Further she spelt out the areas that required immediate attention of the university such as ensuring of women's representation in all committees and panels, providing safe environment within the campus and other facilities such as transport and child care centres, removing all forms of constraints faced by women at work.

During the first session, Prof. Hemalatha, brought to attention the continuous denial of recognition and rewards for women scientists whose contributions are quite significant in various fields of scientific research. While discussing how women scientists are constrained by familial responsibilities and anti-women environment within science education, she recollected some of the important recommendations of the Indian National Science Association which required immediate implementation. These were, the need to consider women's total years of professional services despite the break which are due to familial constraints, providing facilities such as day care centres, proper security for women in the night shift work, grievance committee with women's representatives and fellowship for part time women research scholars etc. She also emphasized the importance of networking among women scientists to lobby for some of these facilities. This session was followed by a discussion on various concepts and definitions on gender and empowerment with the focus on institutions of higher education. This discussion was initiated by N.Manimekalai. This exercise was meant to enable the participants from various disciplines to rethink their institutional policies and politics related to women. Prof. Mangai provided a new understanding of caste and gender from the perspectives of performing arts of Tamilnadu through demonstration of feminist reconstruction of *Thappattam*, *Isai Natagam* and *Karagam* and emphasized the need for redefining the conventions of gender roles within *Koothu* which marginalized women. This session was followed by screening of documentary films on performing arts in Tamilnadu which explained some of issues discussed by the resource person.

A session on "Role of women in human Development" conducted by Prof. Ayyampillai explained how women are marginalized within the policy making processes and its implication for the well-being of women and suggested how solutions could be sought through reform within households and extended to the national level through legislations etc. Prof. Rajendran stressed the importance of documenting women's role in history and in this context discussed the role of women in world history and women in the Indian history referring mainly to women social reformers like Muthulakshmi Reddy and their significant contribution to legislative reforms for women.

Tracing the trajectory of international conventions right from the 1960s to the present, Dr. Dhulasi Brinda, discussed the how gender issues were brought into focus within the international conventions especially in issues related to sustainable development and livelihood and also identified issues related to vulnerability of women under the conditions of environmental degradation. The session on 'Women and Administration' spelt out the significant contributions made by centre for women's studies and expressed concern about the continuing marginalization of women within the university system. It also suggested strategies to overcome these constraints by redefining courses and by focusing on developing administrative skills of women. The session on "Domestic Violence and Sexual Harassment" stressed the importance of forming anti-sexual harassment committees in all public institutions and discussed the nature of domestic violence in India. There were series of sessions related to women and health, women's participation in politics with the special attention to the Panchayati Raj institutions, women in consumer culture, women in welfare policies and on gender discrimination in media and communication sector. There were also discussions related to gender in the 11<sup>th</sup> five year plan, on issues of women's survival against the background of female infanticide and foeticide and on role of religion in socialization of women. Sharing personal experiences and reflecting on social activism related to gender formed an important component of the entire course. Some of the sessions offered suggestions and strategies for resocialisation of women against the continuous discrimination against them in various spheres of their lives. The refresher course on the whole provided space for both academicians and activists to share their reflections on various aspects of gender socialization and on structures and ideologies that mediate every day lives of women.

### **Dr. N. Manimekalai**

*Centre for Women's Studies, Bharathidasan University,  
Trichirapalli, Tamilnadu.*

*manimekalaidr@yahoo.com*

## LAW AND SOCIAL SCIENCES RESEARCH NETWORK (LASSNET) CONFERENCE

The inaugural Law and Social Sciences Research Network (LASSNET) Conference was held at the Jawaharlal Nehru University, New Delhi, earlier this month marked the coming of age of a law and social science research community in India. The conference was organised by the Centre for the Study of Law and Governance, JNU, with support from the Ford Foundation and the Max Planck Institute for Social Anthropology, Halle. The Law and Social Sciences Research Network was constituted to map the field of Law and Social Sciences in South Asia. The following quote describes the objective of the network:

*Law is conventionally taught and practiced in South Asia, by treating it as an autonomous and self-sufficient phenomenon. The doctrinal researchers regard law as autonomous and believe it is capable of giving an account of itself. The law also tends to be narrowly conceived as what judges, legislators, or the police 'do' – ignoring the diffuse structures of power and governance, and practices of regulation, normalisation, and biopolitics that penetrate bodies and condition behaviour.*

*The notion that law is autonomous (legal formalism or legal positivism) has been subjected to sustained challenge over many decades by scholars who draw on social science methodologies, as well as by the law and literature movement, and by activists who constantly challenge the positivist image of law. Broadly conceived, these scholars seek to explain law as a social, anthropological, historical, and economic artefact, which should be understood and studied as such. This implies also that they trace the genealogies of categories, which inform law, and the images and imaginings of law in contemporary social science theory. All this suggests that the law is not confined to state law or the appellate judiciary. Not only it remains a fact that state law remains inherently plural; it interacts with plural regimes of customariness. These scholars wish to understand how forms of state and non-state law mutually constitute each other and how they relate to different structures of power and techniques of violence [[www.lassnet.blogspot.com](http://www.lassnet.blogspot.com)].*

The conference, brought together scholars, lawyers and doctoral researchers engaged in research and teaching of issues of law in different social sciences in contemporary South Asian contexts. The conference was designed as a common forum, to act as a medium for

exchange of ideas, work, materials, pedagogies and aspirations for the way “law, regulation and society as objects of research as well as sites of praxis have been envisaged variously” [[www.lassnet.blogspot.com](http://www.lassnet.blogspot.com)]. The conference was held over four days where over a hundred papers were presented in 35 panels spread over seven sessions. This was the first time this virtual community met. The network started with 14 people in conversation at the Centre for the Study of Law and Governance, JNU in December 2007. It had grown to over 180 members in one year’s time. In many ways, the energy that each person brought to the conference signaled the consolidation of the academic and political interest in situating interdisciplinarity at the heart of the study of law. The most striking aspect of the conference was the large number of young researchers present, many of whom were part of the organizing committee. A number of panels had speakers ranging from well-established academics to final year law students. Many of the participants praised the “unabashedly academic” nature of the papers, while others felt that there could have involved more legal practitioners. The palpable energy and enthusiasm of the participants translated into a highly charged closing session where the Steering Committee of the organizers announced that the next LASSNET conference would be hosted by the Alternative Law Forum and the Centre for the Study of Culture and Society in Bangalore in 2011. The challenge for the organizers is to ensure that the momentum generated during this conference is channeled into strengthening the LASS network.

One of the achievements of the conference, which is of relevance to the IAWS, was the reflection that gender studies contributed foundationally to the way in which the interest in exploring the relationship between law and social sciences has developed, which has been so far largely unacknowledged. Moreover, gender and sexuality studies usually ghettoized as “topics” cut across different streams throughout the conference. The intensely autobiographical and political mode of writing about legal subjectivity engaged with others modes of ethnographic writing to create a productive tension. The combination of three generations of scholars whereby younger scholars, some of whom had presented papers for the first time in the presence of scholars they had perhaps only encountered as texts, challenged prevalent notions of hierarchies in the academia. The attempt was

to challenge the mimetic relationship between judicial hierarchies and hierarchies in the legal academia. There was a conscious articulation of an ethic of care, reciprocity and solidarity as alternate ways of inhabiting academic spaces - clearly indicating the need to reject normative modes of competition and academic intimidation that corrupts most academic spaces, including lamentably women's studies. A conference, or the space where we practice the art of conversing, therefore must entail a critique of how we converse. The friendships that supported the organisation of this space of conversation testified to the potential of transforming academic spaces and raised expectations of the possibility of transforming existent forms of conversations. The conference also raised vexed questions about the political economy or material culture of such spaces of conversations. The possibility of meeting in conversation without big funding, creating possibilities to enhance solidarities amongst South Asian scholars and rejecting the fancy material culture that imitates the culture of consumption that marks the ostentatiousness of any public ceremony were also concerns that animated the LASSNET inaugural.

A number of panels were focussed around sexualities, sex work, intimate violence and custodial violence, a term that is being suggested as a substitute for what has been circulating for the last two decades as 'honour killings' and has political consequences for feminists for its deeply patriarchal and eurocentric origins. There were animated discussions in all these panels with participants remarking at the energy and passion that went into thinking about difficult and complex questions thrown up by panelists and participants. Similarly the special panel on Gujarat demonstrated the creative ways in which feminists, human rights and democratic rights activists have kept Gujarat 2002 alive in legal and social memory by continuing to engage with questions of impunity in the context of mass crimes.

We do hope that at least some of these rich discussions end up as books—not mechanically put together as conference volumes often are but as internally coherent ways of thinking about law, governance and society, through a feminist lens.

**Siddarth Narain, Pratiksha Baxi and  
Uma Chakravarti**  
New Delhi.  
[siddarth.narain@gmail.com](mailto:siddarth.narain@gmail.com)

## ERRATA ON WOMEN'S STUDIES CENTRES IN INDIA

### Andhra Pradesh

- 1) Contact Jyothi Rani, Director [Not Katyayani]
- 2) Contact: Jayshree, Director [Not Parvathy]
- 3) and 4) are the same centre: Ratna Kumari,  
Director [Not Nirupama Rani]

### Karnataka

- 24) Contact: K.K. Seethamma, Director
- 25) Contact: M. Indira, Director

### ADD:

- 26) Contact: Kishori Nayak, Director

### Tamil Nadu

- 57) Contact: Nagesh Kumari

### ADD:

Centre For Women Studies,  
Bharathidasan University, Tiruchirapalli,  
Tamilnadu, Pincode - 620024  
Contact: Dr.N.Manimekalai, Director  
[manimekalaidr@yahoo.com](mailto:manimekalaidr@yahoo.com)  
Phone : 00 91 431 2407028

### Maharashtra

- 35) Contact: Lakshmi Lingam [Not Chhaya Datar]

**Krantijyoti Savitribai Phule Women's Studies Centre, University of Pune, Pune** now offers a Master's Programme ( M.A) in Gender, Culture and Development Studies and a One-Year full-time Diploma in Gender, Culture and Development Studies (i.e. allow exit at the end of the one year of Masters), a part-time, six month Post-Graduate Certificate in Women's Studies and a revised three month part-time off-campus Under-Graduate Certificate Course in Women and Development. The new certificate courses have been launched and the Masters will be launched in June 2009. Under the programme for Building Teaching Capacity in Women's Studies', the centre plans to undertake production of learning-teaching materials, seminars, annual researchers' workshops and Teacher fellowship programme.



## National Commission for Women Seminar on Status of Unorganised Women Workers

National Commission for Women's Seminar on "Status of Unorganised Women Workers" was organised by the Women's Struggle Committee and Unorganised Workers Federation on 23<sup>rd</sup> January, 2009 at YMCA Hall, Chennai. The Unorganized Sector employs over 40 Crores in India and 2 Crore workers in Tamil Nadu of which over 50% are women. This sector contributes 65% of the GDP and covers a wide range of occupations. The unorganized sector is neglected and unprotected thus bonded labour, child labour, exploitation of women labour, poverty and deprivation are widely prevalent. Also the processes of globalisation, liberalization and mechanization have led to invisible retrenchments, under employment, poverty and mal nutrition levels. Hence there is an urgent need for regulation of employment, conditions of service, social security and welfare of this vast unorganized sector in our country. A sizable section of workers are women, hence gender discrimination must be prevented and maternity entitlements, childcare ensured apart from preventing sexual harassment at workplaces. Also, there is a large number of self employed workers, at the mercy of traders and authorities, and being further marginalized facing starvation due to globalisation. Many Welfare Boards have been constituted under Tamil Nadu Manual Workers Act 1982 but they function mainly to give doles and even for that financial basis not worked out except in the case of construction and auto Workers Welfare Boards. The administrative setup is weak and the registered women workers are facing negative and delayed responses for their claims.

National Commission for Women had in the last 10 years conducted many Public Hearings on Women Workers in various Sectors and brought out Reports and conducted Review meetings. Yet many of the Recommendations are yet to be implemented by the authorities. Hence the Seminar was organized to bring to public attention not only the issues facing Women Workers but also to highlight the important remedial measures needed to be urgently undertaken by the State Government.

The Seminar was presided by Dr. Gabriele Dietrich, President of Pennurimai Iyakkam. Ms. Nirmala Venkatesh, Member, National Commission for Women delivered the keynote address. Ms. Kannagi Packianathan, Director of **Adi Dravida Welfare**, representatives of various segments

of Women Workers and Union representatives shared their experiences and views. Women workers in construction, domestic work, quarries, sanitary work, fisheries, Irular bonded labour in rice mills and brick kilns, beads work by *Narikurava* Tribals, street vending, salt pans, agriculture, handloom and forced labour of *Thrurumbars* participated. Testimonies of women workers were filled with agony of past and hope for a better future. The women workers also gave their petitions to Ms. Nirmala. Her presence ensured that the issues and concerns shared by the women workers and their demands would be taken to the State's attention.

Gabriele Dietrich emphasized the historical moment in which this meeting was held. While the Central Government took pride in having passed a Central legislation on Dec. 17, 2008 giving the impression of this being a major victory for the working class, the reality is very different. Not only has this legislation projected social security without safeguarding the Right to Work and regularisation of the work force, it has also divided the working class into APL and BPL, has brought private insurance instead of implementing ESI and has failed to make funds available through collection of cess. The legislation has completely ignored the bill presented by NCC-USW and other movements with over 10 lakhs of signatures to the petitions committee of parliament on May 5<sup>th</sup> 2005. It has ignored the endorsement of the workers bill of the petitions committee in August 2006 and also the recommendation by the standing committee on labour. As a result of the ongoing assault on the struggle of the working class, there has been protracted attempt to dismantle the Tamilnadu Manual Labourers Act of 1982, which served as a model for the draft bill of the NCC-USW. Since Feb. 07 three G.O.'s were issued in Tamil Nadu aiming at winding up the functioning of the Labour Boards in Tamil Nadu and attempting to hand the responsibility over to the Revenue Department, which would be disastrous, leading to inefficiency and corruption. Since Feb 2007, protracted struggle has been going on in Tamil Nadu to safeguard the Tamil Nadu Manual Labourers Act of 1982 and to implement the functioning of the Boards for different occupations. Only if decentralized Boards function at district and taluk levels, Trade Union rights and Women's rights can be safeguarded. Protection from sexual harassment requires functioning of complaints Committees. This Seminar comes as a follow-up of various public hearings of NCW

together with Women's Struggle Committee, facilitated by Pennurimai Iyakkam and we trust that it will be a wake up call to implement earlier recommendations, to amend the miserable central legislation and to protect the Tamil Nadu Manual Labourers Act and the democratic participation of Trade Unions and Women's Organisations.

Demanding a status report from the Tamil Nadu government on the functioning of the welfare boards constituted for members of the Unorganised Sector, Ms.Nirmala Venkatesh said though it is commendable that the Tamil Nadu government had constituted multiple Welfare Boards under the Tamil Nadu Manual Workers Act, 1982, she would like to see a report on the current activity levels in the Boards and various constituents. Each Board must have its own source through cess funds and budgeting allocation and separate office in each district and taluk to provide easy access to Unorganised Women Workers and provision of benefits within one month of application. Also, it is important to provide equal representation to women in the constitution of the Board, and this was not the case in the State, she charged. The role of the Board was not to merely disburse cash benefits, but also actively engage itself in regulation of employment, wages, and dispute resolution and constitute committees to protect against the sexual harassment of Unorganised Women Workers. Further, she expressed her anguish over street vendors harassed by the police and municipality and stated that the National Commission for Women's would make appropriate recommendations to ensure the unorganized women workers' rights.

#### **The experiences shared by the women workers during the Seminar:**

Siddamma, organizer of Irula Bonded Labour in Tamil Nadu said, "Irula tribal community of Tamil Nadu have been forced into bonded labour in rice mills of Red hills area. Many families have been bonded labourers for nearly three generations repaying the so-called loan received by their grandparents which were indeed work advances. The bonded labourers are left to toil in putrid conditions. They worked for 18 hours a day with literally no wages, meager food, with no access to health facilities or education. Their children were also locked up inside the mills and have no access to education or outer world. The families are never allowed to go out; in emergency situations where someone ventured to go out, the rest of the family would be held hostages till the member returned. Those who attempted to escape will be beaten up mercilessly with cycle chains that'll be present near the gate. Along with denial of health facilities women are subjected to Sexual harassment. When

*Sarpam Irular Sangam* staged an agitation, 1000 workers scaled the walls in Sep 2004. National Commission for Women's public hearing in Oct 2004 organized by Sarpam Irular Thozhilalar Sangam and Women's Struggle Committee resulted in ordering the release of bonded workers. However only 110 workers were given release certificates and the rest are still languishing. Of them only 70 families have been given pattas but the rest have not been given any housing assistance".

The fate of bonded labours in brick kilns is no different. Easwari and her husband of Dharmapuri are still bonded labourers in a brick kiln. When her husband added extra water to the mixture used for making bricks, he was thrashed by the brick kiln owners. *"When I went to my husband's side, they tore my dress and beat me too. My husband's hand was fractured. With two children, we can't afford to stay a month in the hospital as suggested by doctors. Even during the one day we stayed in the hospital, we had nothing to eat. We went back to the brick kiln. We need government's help... We need freedom..."* says Easwari with terror filled eyes.

Women from the *Narikuravas*, nomadic tribes who live by selling beads, rag picking, and scrap picking, and are the main bread winners not allowed to sell their beads in local market and face constant eviction from police. They complained of not given any loans and no specific welfare schemes aimed at them, many express hopelessness over their innumerable attempts to reach the government officials. Women construction workers are registered with Tamil Nadu Construction Workers Welfare Board but the various benefits reach very late and many could not avail pension while board functions are being relegated to Revenue Department. Under the Central Acts on Construction workers, 1% cess should be collected but till date no cess is collected from Central Government projects and safety rules as per the Central Act are not being implemented.

Chandrika, organizer of Salt Workers Said, "Women constitute about 40-50% of work force in salt production performing tasks such as preparation of bed, harvesting salt, transferring salt, salt packeting etc. Minimum wage has not been fixed for salt packeting in which women work primarily. Transfer of salt pans for promotion of SEZ complexes, thermal power stations and other activities have destroyed the livelihood options of women workers. Those salt pan workers who had lost their jobs are not provided jobs in the power plant as well. This in turn forces them to migrate. Valarmathi, organizer of Tamil Nadu Domestic Workers Union said, "State government is yet to fix the minimum wage for domestic workers. The welfare board needs to constitute

complaint committee to implement Vishaka judgement. However, the increasing number of sexual harassment cases is proof enough that we have a long way to go to ensure safe work environment for domestic workers”.

Fisher women stated that the public spaces which were once easily accessed by women are now under the control of municipalities, which do not allow women to use the space for vending in the name of Coastal Zone Management. With the Transfer of the Tamil Nadu Fish Workers Welfare Board to Fisheries Department, the earlier registrations of women workers under the labour department are not being honored. Even though women register, they are unable to avail the benefits. There is no representation of women in Welfare board.

Women are the major workers in street vending and they constantly face harassment at the hands of police and corporation who often take bribes from them. Muniammal, a street vendor alleges, *“I have been a street vendor for 40 years. But I have no proof I had my shop in that spot. Hence the corporation doesn't allow me to work there.”* Even after repeated petitions, National Policy for street vendors with provisions for license, place, shops, credit and inclusive town vending committee is yet to be implemented.

The working hours of the women sanitary workers proves to be a great problem for them. The present computerized system demands the women sanitary workers to enter their signature four times a day. The long work hours keeps them away from their family and poses physical and emotional burden. They do not have even a resting place. During work hours if they meet with an accident there are no provisions for aid. Harassment by senior officials is another issue of concern. Ms. Ramadevi was subjected to sexual harassment by the then conservancy inspector Thanikachalam. While he admitted to have committed the crime, no action has been taken against him by Chennai Municipal Corporation till date. Instead he has been promoted which has led to further harassment by him on Santhosamma.

Denial of housing rights continues to be major problem for urban women workers in Chennai and outer areas who constitute the majority of slum and pavement dwellers who're often from scheduled and backward castes. The women continue to live in threat of eviction due to various projects. Nagarathinam of Vattavadvu Nagar says nearly 100 families stay there since 1984. However they're chased during the day time and stay in their huts only during night. She says, *“We have no toilet facilities and we suffer all through day time as there're no hiding place too to relieve ourselves.”* The water is

given by the corporation in a lorry during alternate days and women complain that the 8 pots of water are not sufficient to carry out two days' chores. In most parts people face such a situation where even basic facilities are a big question mark.

### **Recommendations:**

The following are some of the important recommendations put forth by the National Commission for Women at the seminar:

Women workers' role and representation to be ensured in the Tamil Nadu Construction Workers Board, Tamil Nadu Manual Workers Welfare Boards, Tamil Nadu Agricultural Workers Welfare Board; Welfare Boards to have budget allocation and separate office in each District and Taluk to provide easy access to Unorganized Women Workers and provision of benefits within one month of application ; pension must be provided to women workers involved in hard physical labour and are unable to continue their work beyond 50 years; the Boards to constitute dispute resolution bodies to resolve disputes between employers and workers and implement non employment allowance, ESI and PF; to prevent sexual harassment on Unorganized Women Workers, complaints committee on sexual harassment should be formed at District Level in all the sectoral Welfare Boards in which women are worker members ; minimum wages need to be fixed for domestic work, hand embroidery and salt packaging; the Central Government's Unorganized Workers Social Security Bill 2007 should be amended to remove the APL\_BPL divide among the Women; homelessness and education facilities and child care of construction and other unorganized workers including pavement dwellers must be addressed with due consideration of their livelihoods; central Acts on Construction Workers in terms of safety rules and conditions of work such as basic amenities and minimum wages should be adhered to; resource Rights for Women and Gender Budgeting should be ensured in all departments of Central and State Governments; slum evictions should be stopped since it deprives Unorganized Women Workers of their livelihoods and children's education and instead slum development in terms of fire proof housings and basic amenities to be provided; in agriculture, the landless workers should be given two acres of agricultural land in women's names and Pucca housing should be provided to all rural and urban Unorganized Workers in women's names.

### **Geetha Ramakrishnan**

Women's Struggles Committee and *Unorganised Workers Federation*, Chennai.

[nmpsangam@yahoo.co.in](mailto:nmpsangam@yahoo.co.in)

□ **Between Democracy and Nation: Gender and Militarisation in Kashmir**

*Seema Kazi*

Drawing on women's subjective experience of militarisation, the book examines the relationship between state military processes at the 'national' level and social transformations at the local/societal level. Highlighting the intersection between the two the author maintains that the heaviest and most grievous price of using the military for domestic repression and for the defence of Kashmir is paid by Kashmir's citizens and society and that Kashmir's humanitarian tragedy—exemplified by its gender dimensions—underlines why militarisation has failed either to ensure 'security' for the state, or security and justice for Kashmiris.

*Women Unlimited* ; 2009, 256pp, Hb, INR 375, ISBN: 81-88965-46-4.

□ **Hard Hit by Globalisation: Never Done and Poorly Paid Women's Work in Globalising India**

*Jayati Ghosh*

This book investigates the complex interaction of the forces of globalisation with shifts in the nature of women's work in the Indian context. It shows how rapid economic growth in India since the early 1990s has not

been accompanied with the required expansion of productive employment opportunities. This has generated unexpected outcomes for patterns of women's employment in India, which has shown quite paradoxical trends: simultaneous increases in work participation rates, unpaid labour, migration for work and open unemployment of women.

*Women Unlimited* ; 2009, 185 pp, Hb, INR 250, ISBN: 81-88965-44-8

□ **Waves in the Hinterland : The Journey of a Newspaper**

*Farah Naqvi*

Khabar Lahariya, an eight-page fortnightly newspaper published since 2002 from Uttar Pradesh's Chitrakoot district, covers the news that mainstream media forgot. It is brought out by a team of semi-literate dalit women. This book takes you on a journey through women's lives in feudal Bundelkhand, on dusty pot-holed roads, through caste prejudice, water shortages, police stations, polling booths, and the world of small-town journalism to tell the story of these two unusual newspapers and the women who made them happen.

*Zubaan and Nirantar*, 2008, Pb, INR 395, 168 pp, ISBN 978-81-89884-56-7

