

Towards Socialist Transformation
Tamil Nadu Women's Rights Campaign for
Enforcing Existing Rights and Gaining New Rights
First State Level Convention
4th & 5th September 2015, Chennai

POSITION NOTE FOR DISCUSSION

Introduction

The conventional theory of human rights presumes a homogeneous civil society and a strong and legitimate democratic state that will protect the rights of life, liberty and freedom of the individual. This is a very narrow perspective of human rights. Human Rights should be universal in its applicability but accommodates the specificities of our pluralistic society. It is based on the indivisibility of rights rooted in the mandate laid down in UDHR, The Indian Constitution, the two main covenants on Civil and Political Rights and Economic Social and Cultural Rights and several International human rights treaties ratified by India. This implies that while the state must be continuously made accountable for observance of human rights standards, promotion and protection of these rights requires a continuous democratic resurgence in civil society specifically from among oppressed and exploited classes/castes, marginalised communities and intellectuals especially organic intellectuals.

Human rights are importantly collective rights of communities and peoples, to the right to continuing sustainable development, eco-systems, livelihoods and the struggles against concentration of wealth and power and patriarchy. It is the voice of the oppressed and exploited, of indigenous peoples, fishing communities, women, dalits, children, workers, artisans and peasants; it is the voices from below from a resurgent civil society for sustainable livelihood and eco-systems, popular governance and equitable development. The struggles against corporate exploitation, patriarchy, destruction of forests and child labour; for living wages, custodial justice, land and housing, protection of bio-diversity; against untouchability and caste oppression, for gender justice, protection and regeneration of the commons and waterbodies, against destructive mega projects and industrial pollution etc., are all part of this human rights movement.

The women's movement for socialist transformation needs to be strengthened and reconstructed within the parameters of these human rights concerns. The central challenge of this movement is the defeat of the monopoly capitalist patriarchal social order.

1. Defeating the Monopoly Capitalist – Patriarchal Social Order

The imperialist, capitalist, patriarchy is the interlocking of political systems that are the foundation of a nation – state politics. It connotes the global system of extraction,

accumulation and oppression; despite the progress in women's rights, patriarchy remains a robust part of this global capitalist system.

Feminists understand that women's status is part of a larger system of oppression and exploitation where race, ethnicity, geography class and caste all work together so that certain groups can maintain their privileges. Today, though some economic power has shifted to an extent towards developing countries of the South, the system of "imperialist capitalist patriarchy" remains more or less intact and has even coopted new classes of elites to its ranks. The multiple forms of oppression and discrimination results not only from sexist discrimination, but also from a racist and exploitative (of human beings and of nature) economic system, that commoditizes and privatizes all aspects of life, and an international governance system that continues to reflect all the values of the capitalist system.

Feminist social transformation requires that we also address political, economic, ecological and cultural injustices – otherwise the gains that women's rights have made are always under threat, and progress for women's rights remain uneven and unbalanced, particularly for the most disadvantaged women at the margins of capitalism.

India's caste system, even under liberal democracy, continues to leave millions of people - particularly rural people - marginalised from the economic system. India remains one of the most unequal countries in the world because the process of wealth concentration has continued despite anti-caste and social movements against untouchability. Unfortunately, the opening up of democratic spaces has not prevented what has been called 'global apartheid', where the rich live in enclaves of wealth and privilege, resources are owned by a small and powerful global elite, and the poorest are criminalised and considered as 'waste' or as 'parasites' deprived of rights and citizenship because they are not part of the capitalist system. The impacts of dislocation, exclusion, alienation and discrimination on marginalised women and their families have been devastating. In addition to an increasing care burden the consequences of inequality - particularly violence and intolerance - have become structural impediments to women's rights.

The violations of human rights caused by this corporate tyranny is enormous and the biggest challenge to the human rights movement. We illustrate below some statistics to show the power of this corporate world. There are now 40,000 corporations in the world whose activities cross national boundaries; these firms ply overseas markets through some 250,000 foreign affiliates. The top 200 of these global firms account for an alarming and growing share of the world's economic activity.

Two hundred giant corporations, most of them larger than many national economies, now control well over a quarter of the world's economic activity. Two-thirds of the world

(the bottom 20 percent of the rich countries and the bottom 80 percent of the poor countries) are either left out, marginalised, or used for extraction of super surplus value by these webs of activity. The most alarming finding is that as corporate concentration has risen, corporate profits have soared, yet workers and communities are getting a shrinking piece of the growing pie.

Of the 100 largest economies in the world, 51 are corporations; only 49 are countries. Wal-Mart-the number 12 corporation—is bigger than 161 countries, including Israel, Poland and Greece. Mitsubishi is larger than the fourth most populous nation on earth: Indonesia. General Motors is bigger than Denmark. Ford is bigger than South Africa. Toyota is bigger than Norway. The Top 200 corporations' combined sales are bigger than the combined economies of all countries minus the biggest 9; that is they surpass the combined economies of 182 countries (as per data in the mid 90's). At latest count, the world has 191 countries. If you subtract the GDP of the big nine economies: the United States, Japan, Germany, France, Italy, the United Kingdom, Brazil, Canada, and China the combined GDP's of the other 182 countries is \$6.9 trillion. The combined sales of the Top 200 corporations is \$7.1 trillion.

2. Some Perspectives on working for women's rights – What approach should this campaign take?

Feminist Approach:

It is an ideology which pitches itself against patriarchy. Its aim is to challenge and defeat patriarchal power for a more equal world. It is a struggle. It has a set of values, beliefs, principles and practices. Feminist studies are an intellectual field of study, looking specifically at how different aspects of social reality (politics, economics, culture, ecology, society) are gendered and therefore create different outcomes. It has resulted in the development of a large body of theory and knowledge on how sex/gender influences specific outcomes. It is considered to be very political as it challenges not only patriarchy but also the social order – how power, resources and rights are allocated. It focuses on structural change – from the personal to the political. Feminist struggles usually manifest in a more spontaneous and less institutionalized way.

Women's Rights Approach:

It is a set of legal rights and entitlements to fulfill the human rights idea that all human beings are born equal. The aim is to ensure that all laws, policies and practices align with human rights. It is the platform where we look at how laws and policies can be changed in order to achieve human rights. Those working in the women's rights arena are concerned with identifying all the areas of change that are needed within the legal and policy framework to provide an enabling environment for social change to happen.

Women's right is a more mainstream approach to dealing with gender inequality, operating in the legal, policy, administrative and judicial fields. It is not considered as

“subversive” as feminism. However women’s rights, like human rights, evolve constantly to incorporate new rights and refine old ones (e.g. indigenous people’s rights, the right to food) Women’s rights are mainly carried forward by more organised forms (UN, NGOs, women’s movements, legal movements, print and visual media) from national to international levels. The women’s rights’ terrain (in the strictest sense) is mainly occupied by lawyers, activists and legal experts who use the courts, legal system and governance systems like local bodies, legislature, parliament to advocate for rights.

Gender Approach:

It is a term/concept used to socially differentiate between women and men. It takes us beyond the normal categories of male-female, masculine-feminine in analyzing behavior and identity across the sexes. Gender looks at how gender relations are shaped and how women/men experience the world through gender. Gender looks at all the different “beings” (cf our body map) and the contexts that we live and work in, to understand how better outcomes can be achieved for women and men.

Gender is (or has become) very technical in nature. It does not necessarily have the same political underpinnings as feminism, or the legal underpinnings of women’s rights. Thus, while true, the statement “gender is about women and men” can be used to serve conflicting agendas. This approach may or may not challenge the dominant ideology. Gender approach tends to mainstream gender into policy and programmes through different tools. The rhetoric of gender mainstreaming has often weakened the focus on true equality.

Human Rights Based Approach (HRBA):

It is an approach to development programming which puts human rights at the core. It is a strategy (or a set of tools) for achieving human rights in public policy interventions, particularly development programmes, at the household, community or national level. Like gender, the rights-based approach is a technical tool to ensure human rights are reached. However it is not of itself an agenda for political or legal changes. It simply seeks to ensure that we apply (or mainstream) the existing rights that are currently within the legal frameworks.

HRBA is an approach to development programming/design. It is similar to gender mainstreaming, but encompasses a broader range of human rights. It is embraced by the development sector (NGOs, aid agencies, the UN). But without a shift in other organizational practices and attitudes, like gender mainstreaming. It is also important to note that different organisations have formulated their own HRBA modules.

3. Our Analysis of Power and Violence

Gender violence is perpetuated by cultural beliefs and norms based on the devaluation of women; and legitimized, obscured or denied by familial and social institutions. In fact gender violence is a historical, universal problem. It is often experienced in the context of additional oppressions based on race, ethnicity, age, sexual orientation, gender identity, type of labor performed, level of education, class position, disability, and/or immigration or refugee status.

Violence against women and girls occur across the lifecourse. It employs a constellation of physical, sexual, economic, and emotional abuses that establish a climate of fear and result in severe physical and psychological injuries. It is the most extreme expression of sexism and misogyny; accompanied by gendered harms that leave women and girls bearing the socio-cultural burdens of shame, humiliation, and victim-blaming. The historical nature of gender-based violence confirms that it is not an unfortunate aberration but systematically entrenched in culture and society, reinforced and powered by patriarchy. Violence against women maintains the structures of gender oppression; be it carried out by individuals in private and/or by institutional forces in the public sphere. Families, communities, and social, legal and civic institutions may covertly and overtly endorse it.

Patriarchy is about the social relations of power between men and women, women and women. It is a system for maintaining class, gender, racial, and heterosexual privilege and the status quo of power – relying both on crude forms of oppression, like violence; and subtle ones, like laws; to perpetuate inequality. Patriarchal beliefs of male, heterosexual dominance lie at the root of gender-based violence. Patriarchy is a structural force that influences power relations, whether they are abusive or not.

Power sets the agenda for patriarchy. But, conflating it with abuse or masculinity is problematic and we need a more complex analysis of the typical power and control explanations. Feminism, which is about women claiming their rights to self-determination and equality, confronts gender conformity and aims to replace relationships of power with relationships of meaning.

Invisible power, it involves the power that shapes the psychological and ideological boundaries of participation. Invisible power keeps important issues away from the decision-making table, and also out of the consciousness of the different people involved, even those directly affected by the problem. Socialisation, culture and ideology perpetuate exclusion and inequality by defining what is normal, acceptable and safe. So, for example, girls believe sexual harassment from teachers is normal and women blame themselves for abuse from their husbands. Challenging power at this level requires strategies that help people share their experiences, build confidence in themselves and sharpen their political awareness and analysis to transform the way they perceive themselves and those around them.

From the aborting of female fetuses, to sexual abuse, to declining child sex ratio, intimate homicide, girls and women may encounter numerous oppressions during infancy, childhood, adolescence, adulthood, and as elders. In addition to physical, sexual, economic and emotional abuses; violence is about living in a climate of fear, shame, coercive control, and devaluation. Domestic violence is more than a series of violent incidents on an identifiable cycle. It is about living in a climate of fear and disempowering restrictions that threaten and affect one's selfhood, psychological well-being, health, economic independence, and emotional availability for parenting.

Sexual violence is defined as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.

4. Neglect and Violence – The Power of Impunity

More women than men experience poverty in Tamil Nadu like in most parts of the world. Tamil Nadu stands fourth in terms of the percentage of women headed households in India. Gender disparities prevail in access to primary health care and primary education and work land. One half of women marry at or before 18 years of age, 25% women marry their first cousins and at least 50% marry some relative or the other. Post natal mortality is higher among children born in such marriages. In Tamil Nadu the sex ratio is 986 female per 1000 male - 2001 census. Child sex ratio on the decline is a grave concern and still a long way to go... Tamil Nadu - Literacy rate of females have grown from 21.6 in 1961 to 64.55 in 2001 (male literacy).

Tamil Nadu state ranks among the highest in reported cases of violence against women. Disturbing statistics released by the National Crime Records Bureau (NCRB) show that domestic violence is much more prevalent in Tamil Nadu than any other state in the country. The data shows that the state registered 3,838 cases of domestic violence in 2012 – or 84% of all complaints (4,567) of domestic violence recorded across the country. Tamil Nadu recorded the most cases of domestic violence in the country, 3,983, last year too, a finding cited by Minister for Women and Child Development. As per the records of the Director General of police, crime against women has gone up from 2494 in 1990 to 5074 in 1998. Most of these cases are dowry, molestation, eve teasing, torture and kidnapping of women.

Impunity is what keeps unequal class and gender arrangements in place. It is constitutive of power in all its forms and the relishing of this fascist practice marks the exercise of power, rendering it desirable and attractive. Whether the rapist is a citizen or a custodian of the state, the relish that makes for a particular exercise of power has to do with sexuality, and it is this peculiar interplay of sexuality and power that needs to be understood for the evil that it is. Impunity is what dominant castes grant themselves as they attack and destroy dalits and adivasis, and it is what keeps unequal class and gender arrangements in place. Clearly, impunity is constitutive of power in all its forms and the relishing of it marks the exercise of power, rendering it desirable and attractive.

Whenever rape is under scrutiny, several people are at pains to point out that rape is not about sex, but about power; some have complicated these arguments to argue that we cannot thus bracket sex away entirely. In this context I would like to interrogate the sexual as it is received and practised – for there cannot be a rape culture that is completely outside of what passes for the sexual and it may not be enough anymore to annotate a richer, more layered sense of the erotic in response. Sexual violence always crosses the line but it is not therefore a singular or exceptional act. The scanning of women's bodies, marking them, with numbers, adjectives, the reducing of a being to an object of appraisal, stalking, surveillance: the forbidden unpacks as a series of acts that structure our everyday. These acts are repeated where sexual minorities, especially transpeople are concerned: they are constantly marked in the public eye as more or less “masculine” or “feminine”, which marking then invites different levels of abusive and violent attention.

These acts of scanning and marking define male public behaviour, set standards for maleness, make for levels of male bonding and comradeship. While women dislike such gestures and resist them, they are not viewed as exceptional – the hope is that the men who are thus inclined are not “our kind”, and so their modes of being are not socially relevant to our situation. Transpeople have responded in various ways, attempting to balance their own sense of what they are with how the world perceives them, resisting sexualisation in some cases, and deliberately courting it in others.

If the carrying out of forbidden acts willfully and with relish constitutes power that is exercised with impunity, then sexual assault as such resists accountability. This is why it is repeated, even as one protests its illegitimacy; and by those very agencies – the police, the army – that have to punish it. Rather than see rape as an exceptional crime, we may want to see it as the ultimate mark of impunity: with the “sexual” being marshalled to render that impunity given. In this sense, to challenge impunity is to challenge the “sexual” as well, and at the same time as we challenge the structures that make for public impunity.

A life free from fear of violence and living in safe environments includes women's right not to be subjected to physical, sexual, or emotional violence inside the home by intimate partners (including husband) or outside by people and those acting on the part of the state (police/para military forces). It is important that women should be able to decide their mobility and ability to make decisions regarding where they can go, who they go with, how they travel, and the time of the day or night they can travel; Make informed choices regarding sexual and reproductive health, including choice in marriage - whether to marry, whom to marry and when to marry (age), and to demand the provision of sexual and reproductive health services that are sensitive to their rights and needs; Sexual well-being and the right to a healthy self-affirming sexuality free of violence, coercion, and disease is essential to a woman. This would include awareness about bodily integrity, which would not only address the dangers of violations of bodily integrity, but allow women to care and take pride in their bodies as women; Expression of self-identity and behaviour would include an expression of their emotional, mental, spiritual, psychological and physical spaces and desires.

5. Women's role in reproduction and production - *Control over their bodies and sexuality*

In the real world there are many spaces of production and reproduction (economies) where goods and services are produced, exchanged, consumed and where surplus is reallocated and reinvested into that system. Households and communities, the natural/environment and markets are all spaces of production and reproduction. "The economy" is used to speak about goods and services that are traded for commercially in formal markets. All other types of non-market production/reproduction are excluded in "the formal market economy". Human existence depends on many systems and subsystems of production/reproduction which are interlinked, interdependent and often overlapping natural/environmental economy, where the most basic needs for survival are met, food, water, air, energy and medicines and socio-cultural economy which includes reproductive services (care), public goods and services, community and voluntary services, social cohesion are out of the capital market economy and the production and trade of goods and services for monetary value. But till today the natural/environmental economy is essential to marginalised women's lives and their families. Yet with capitalist oriented governments, the market economy is encouraged to subordinate the natural/environment and care work. We see this in the way that GDP is counted—where only the goods and services (including labour) that are valued, counted and rewarded are those that are exchanged for a monetary value in formal market institutions.

Women are economically marginalised because cultural norms and reproductive responsibilities place them outside the "second economy" but without giving them access to, control over, or rights within the first economy (natural resources) or the third economy (cash income and financial returns). Because the social economy operates largely on a non-monetary basis, goods and services produced are not counted or rewarded. Likewise, in traditional societies, women are given extensive responsibility for environmental stewardship, but these valuable roles are not acknowledged in economic counting. Economic alternatives for women's rights is about recognising the real value of three spheres and in fact stressing that human survival depends on the first two (for human capital and natural resources), and so it is the market economy that should be at the service of the others.

An analysis of women's role in the development process also requires a full understanding of their role in reproduction, and of its consequences for women's involvement in all aspects of economic life. As pointed out earlier, it is important to distinguish between biological reproduction, reproduction of the labor force, and social reproduction, while taking note of the connections between these multiple aspects of reproduction and production itself. The emphasis on reproduction in all of these senses is in fact a major contribution of the present feminist movement. It has developed in a number of directions, including the analysis of sexuality and reproductive freedom, mothering, and domestic labor. In doing so, this emphasis on re-production has made the relationships of dominance and/or subordination between the sexes in the household a focal point of analysis. It has also posed a very important challenge to those approaches to the "woman question," which view the solution to women's oppression as lying in the sphere of economic and social relations outside the

household. The implications of the feminist emphasis on reproduction are far-reaching. For example, the oft repeated developmentalist goal of making women equal partners with men in the development process is unlikely to be reached unless policies address women's participation in both the productive and reproductive spheres.

6. Disabilities faced by differently abled Women

Of total disability population, women with disabilities will be around 40%. It is very evident the plight of these women stand last in economical, cultural and in political spheres. State parties recognize that women and girls with disabilities are subject to multiple discriminations and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

National Laws related to persons with disabilities does not recognise the multiple discrimination experienced by women with disabilities. There is a general lack of legal mandate to ensure protection against violence against women with disabilities keeping in mind the multiple discrimination experienced by women with disabilities. Lack of policies and programmes aimed at sensitising the policy makers/decision makers, officials in the monitoring and redressal systems parliamentarians on their obligation to respect, protect and promote the rights of women with disabilities. Lack of resource allocation for programmes and policies, promoting and protecting the rights of women with disabilities. Lack of data disaggregation on women with disabilities. Lack of research and evidence based report.

Sexual exploitation is common against girls and women with intellectual disability living in institutions. Violence against women with disabilities is often lost in silences because they are unable and powerless to communicate the acts of violence to which they are subject, and there is none to listen. Lack of accessible environment, lack of information and communication, lack of sensitization and awareness can also be cited as the major reasons for violence and abuse experienced by women with disabilities. Service provisions, such as health and judiciary services for violence survivors, should be physically accessible, especially with regard to infrastructure and the ability of the service providers to use sign language. Being a woman they do not have access to better education or find a suitable job. The society thinks that she cannot be a "good wife", or a "good mother". This is because of the capitalistic attitude of the society. Feticide and infanticide are more in case of women with disabilities. Though women are organized largely, in reality not even 1% of the disabled women get an opportunity to take part, to take action and to make change in the larger social framework.

They make up, without doubt, one of the most excluded and isolated groups of people in every society, being triply disadvantaged by their disabilities, by their sex, and by poverty. State parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

7. Women and Land Rights

The fact that close to 70% of the population is dependent on land, either as farmers or farm laborers, means that it is imperative to address the issue of land for women and women headed households in such a manner that it provides livelihood, dignity and food security to millions of women, children and men. India has the largest number of rural poor women as well as landless households in the world resulting in the most number of women who are facing extreme poverty. Land is the most valuable, imperishable possession from which women derive their economic independence, social status and equality and a modest and permanent means of livelihood. Though Land reform was a major policy initiative in the country in the 1950s and early 1960s, after abolition of zamindari and titles, other measures like ceiling on land holdings, did not get implemented except partially in West Bengal, Kerala and Jammu & Kashmir. However on land reform or possession of property did not benefit large section of women. Instead land use today has become part of global investments. The increasing demand of land including common lands has led to wide scale acquisition for apartments and inner city development, industries, infrastructure projects, five star tourism, corporate hospitals and educational institutions, atomic power plants and defence establishments and several other purposes.

8. Impact of Evictions and Displacements

Another major concern that affects the livelihood and security of women and young girls is the increasing numbers of families evicted and displaced from the traditional homes and civilization. Through this, families who are evicted and displaced lose their homes, dignity and all that goes to make up their culture and space for assertion of their plans and dreams. It is women who have often invested a considerable proportion of their incomes over the years in land and housing often relinquishing their personal possessions and consumer needs. The State exercises its powers of acquisition and the corporate sector uses its wealth to drive people away from their lands and homes using bulldozers, police, industrial police forces or demolition mafia to destroy people's settlements. Evictees and those displaced particularly women often lose their complex reciprocal relationships with relatives and friends damaging their safety net or survival network of protection against the costs of ill health, income decline or the loss of a job, and their right to common utility services. The affected people mostly farmers, agricultural labourers, unorganized workers, tribal and dalit families, fishing people, self-employed and artisans lose their livelihood as they are forced to move away from the area where they had jobs or sources of income including their traditional home land. The human costs of forced evictions especially on women and children are indeed substantial and involve a wide range of negative impacts on the lives and livelihood of those affected, including multiplying individual and social impoverishment, homelessness, physical, psychological and emotional trauma; insecurity for the future; the onset of sickness and new diseases, substantially higher transportation costs;

arbitrary violence; the push out of children from school, the incursion of arbitrary and brutal police actions etc.,

9. Caste Oppression and Dalit Women

Tradition and culture have a strong grip on society and the exploitative and obscurantist practices perpetuated in their name have strangled women's aspirations to lead a life of dignity and equality. Practices such as female feticide, dowry, sexual abuse, domestic violence, objectification and commodification of women continue unabated despite deep inroads made by global capitalism and consequent mindless consumerism. Dalit women and young girls especially face social discrimination due to the inhuman and unequal caste system combined with patriarchy. Women are treated as polluted outcastes and not allowed to use even common village lands, resources, water resources such as ponds and wells and at times not permitted to even sell simple goods or services. They are not allowed to enter places of worship or wear slippers while walking in the streets in front of the houses of the dominant caste families. They are compelled to continue in occupations such as manual scavenging, professional mourners, cobblers etc., and lack other livelihood options because of discrimination and violence faced in school education. What is worse is that several Dalit girl children do not enter schools and a very high percentage are pushed out by standard 6 or 8.

10. Rights of Women from Minorities

The Constitution of India guarantees justice, equity and security to all citizens including the minorities. A true democracy ensures not only individual rights but also rights of minorities as a community. Our Constitution has laid down in Articles 25 to 30 the rights and freedoms of religious, cultural and linguistic minorities and thus made India a truly democratic and pluralist nation.

We are living in turbulent times full of contradictions and disparities between the rich and poor, men and women, rural and urban, majorities and minorities all of which have made life much more difficult for ordinary person's, particularly Muslim women. The Sachar Committee report has highlighted the story of the poverty and exclusion of the largest minority in our country. However, the truth about the poverty, exclusion and injustice faced daily by the Muslim woman is much higher. If the largest minority in the world's largest democracy is languishing in poverty and backwardness what could be the appalling state of women from this community! Almost 70 years after independence Muslim women are still under threat and yet to gain from the values of justice, equity and secularism that they cherish. The main grievance of the Indian minorities has been discrimination, especially in the economic field. The discrimination against Muslims in matters of employment, permits, contracts, and admissions to various institutes has brought them to the verge of economic ruin.

There are two categories among Muslim women. The first are those who accept Sharia pronouncements in respect of women totally and uncritically as they are totally unaware of the circumstances in which Muslim jurists made those pronouncements. Most of these women are either illiterate or educated in traditional Islamic sciences. The second category is of those women who are totally indifferent to religion and consider religion

an impediment in realising women's rights. Both these extremes do not help as for the average Muslim women who, ignorant or otherwise, take their religion seriously and also are struggling against traditional Sharia pronouncements about women. These women are in overwhelming number and one has to help them realise their rights in the Muslim society.

A great struggle is going on in the Muslim countries for the rights of women. More and more women are getting educated and becoming aware of their rights, Islamic or otherwise, and demanding changes in law. Something will definitely emerge from this great churning. Great changes have taken place in the world during the last two centuries. In the past it was unthinkable that a Muslim woman could step out of four walls of her house and be active earning member of the family. But today it is an accepted practice even in countries like Saudi Arabia though with a lot of restrictions. In other Muslim countries she can move freely, go out and earn and also hold important public positions.

The Gujarat Carnage after the Godhra train burning incident in early 2002 brought disgrace to India. Such brutal communal carnage had never taken place before in the post-independent India. Several human rights activists expressed their sympathy and solidarity with the victims of Hindutva aggression against helpless minority victims. The wounds inflicted on minority women can hardly heal especially when they were subjected to such unspeakable crimes. Still they are living with sense of shame and agony. The specific targeting of women, as part of a conscious strategy to terrorise the Muslim population of Gujarat. The pattern of cruelty suggests three things. One, the woman's body was a site of almost inexhaustible violence, with infinitely plural and innovative forms of torture. Second, their sexual and reproductive organs were attacked with a special savagery. Third, their children, born and unborn, shared the attacks and were killed before their eyes.

The women of the community suffer attacks in two ways. In the first case they are members of the collective, like any other, and are liable to be attacked. At the same time, they are the biological and cultural reproducers of the community and their bodies symbolize the body of the community and its boundaries. In the Hindutva project, the control of the Muslim, either through gender and sexual domination, is at the forefront of the political strategy in Gujarat and elsewhere. Thus it would be seen that sexual assault is not simply fulfillment of one's lust; it is much more than that in such cases. By sexually violating the women of the 'other' you are destroying their honour and humiliating them as a community and treating body of women as body of the community. Woman's honour must be destroyed to destroy the honour of the community. RSS and VHP women themselves were participating in this violence against Muslim women.

11. Indigenous People's - Women's Rights over Forest Resources and their livelihood:-

Women are the real custodians of the natural resources, historically protected environment and saved forests for centuries. But today corporate projects and destructive development mining and sanctuaries by large acquisitions made by the State are the main forest destroyers, robbing water, illegal mining, tunneling and committing all types of illegalities. All natural resources such as the land, forest and

water are under major attack from neo-liberal policies where the crisis is about a few usurping the rights and access of the vast majority of the marginalised over the commons – air, water, land, minerals and forests. While the thirst of global capital and transnational's for minerals and fossil-fuels magnifies, tracts of land that are under forest cover and inhabited traditionally by adivasis, especially women and other forest dwellers who are dependent largely on these natural resources have been removed from their control. Women in struggle regularly interfacing with natural resources are also today working on the alternatives simultaneously against the greed and profit of international capital.

Women have been denied access to land and forest resources both by state and the family since conceptually women were considered “property” and perform only a reproductive role to reproduce male children. Despite constitutional “equality before Law” in Article 14 and “Prohibition of discrimination”.... in Article 15, women have been denied her equal share in ownership and control over all natural resources and property, especially land. With the nationalization of forest after independence entire forest region was kept out of land reform policies and transferred for management to the Forest Department which became the biggest landlord in India. Already land reform policies adopted by various State Governments (revenue laws and personal laws) were based on discrimination against the landless, women cultivators and women collecting Non Timber Forest Produce inside forest. They were neither recognized as “cultivators”, nor “gatherers” of food.

It is for the first time that a special Act called the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, has been enacted for the forest area and also recognizes the equal rights of women in forest areas both in individual and community rights. Women play a major role in conserving the resources and primarily depend on the forest products for their livelihood. Women spend almost 80% of their time in collecting fuel wood, fodder, grass, NTFP (Non Timber Forest Produce) etc. from the forest. They are part of nature and enjoy protecting it for their generation and future generation. The forest also acts like a large reserve of food security for women and their families. Over the decades women have been enslaved after these resources were privatized by the state and the corporate sector from mining to medicinal plants. This shift in sovereignty in last 6 decades has been caused by depletion of forest cover due to the invasion by large industries, transnational corporations and the State. This depletion has adversely affected the health of tribal women and other forest dwellers. Traditional health healers treating ailments and illnesses with their traditional knowledge has diminished due to the promotion by the State of commercial forestry. This completely changed the ecology of the forest; monocultures commercially promoted prevented the grass, shrubs, herbs, creepers to grow naturally. Monocultures have destroyed entire biodiversity, flora and fauna of various States in India.

Land rights in the forest are the rights of indigenous peoples individually and collectively. This is of fundamental importance for a range of reasons, including: the religious significance of the land, self-determination, identity, food security and livelihood or subsistence needs. Hunting, fishing, gathering of forest products, medicinal herbs and small garden plots still form the basis of the household economy. Forest and land is

sacred and everything got from the forest land is considered a gift from their gods. Losing forest land means a loss of contact with mother earth and a loss of identity, worldview and belief systems. However according to the Government Report, over 5600000 (!) hectares of forests have been cleared between 1951 and 1985 in India due to extension of industrialization, dams and hydropower projects, highways and urbanization and other unsustainable development projects. In other words, an annual loss of forest area comes to 0.16 million hectares or 441 hectares per day. This has disturbed the traditional ecological balance. Nearly 56% of Adivasis have been forced to displace from their forest areas. Recently, many wildlife sanctuaries and tiger reserves are declared and forced traditional tribal people to move out of their habitations which is total violation of the rights of Adivasi peoples.

12. Breaking down gendered division of labour

The term 'labour' normally applies to the labour market (jobs) rather than 'work'. Yet women perform many critical types of work that are not classified as 'labour' and are therefore not considered to be valuable (and are not rewarded). Labour rights conventions are limited because they do not value unpaid care work. Most labour rights are geared towards formal employment. Social reproduction by which livelihoods societies are sustained by many different types of work that does not count as "labour" or a "job" and it is mainly women who provide this unpaid work. Labour as a factor of production and as a commodity permits entry into formal labour markets. However it is very gendered, women can do some types of work, but not others that are the preserve of men.

Labour and the care economy with consequences of care work being invisible. Care work is a labour rights issue even within the labour market. Women are found in informal sectors (including paid care work as domestic workers) which are not adequately covered by labour legislation. Gendered division of labour results in inequality. The gendered division of labour is an unequal terrain with many dimensions. Women are disadvantaged, starting from the fact that they are not able to choose whether or not to do certain types of work (care work) and face restrictions in doing other types of work. The gendered division of labour perpetuates women's socio-economic inequality and constrains their choices, power and entitlements. Ultimately, this division of labour means that women make a larger contribution to society and the economy than their male counterparts, but are not rewarded. This is an issue that public policy must address in order to achieve gender equality.

13. Impact of Globalization and NAMA on Women in Fisheries

The processes of globalization and industrialization have exacerbated the degradation of fishery resources. The use of over efficient fishing technology, export market driving economy by replacing capture fishery to artificial culture (monoculture shrimp industries) centralization of resources (more and more centralized fish landing centers) has resulted in threat to food security, loss of bio-diversity. The women and children are the major victims as their access to hawk and traditional processing has been denied considerably. The younger women are employed in fish processing units.

Given the gender based division of labour, resources and power in the fisheries sector, it is not surprising that the negative developments in the global, national and state levels have had more adverse impact on fisherwomen than fishermen. Fisherwomen in Tamil Nadu predominantly work as self-employed persons in small-scale purchase, preserving, processing and vending of fish. When due to industrialization or commercialization the scale of activity expands, and involves investment of huge amount of capital, self-employed fisherwomen are quite often displaced; and the space is appropriated by better off fishermen or capitalists from other communities. Bulk auctioning and purchase of fish at landing sites, have displaced fisherwomen who bought and sold on a small scale in parts of Tamil Nadu.

Women's role in fisheries has historically not been recognised by government policy makers, though it periodically provides lip service on its commitment to the development of fisherwomen.

With the onset of globalization, export agents have also entered the market as purchasers of fish in some areas, offering attractive prices. Conflicts between fishermen and fisherwomen over whom to sell and how much to sell has also surfaced. While some of the fishermen want to sell the entire produce to the export agents for want of more money, fisherwomen want to retain some fish for consumption and local sale even at the cost of losing some money. Fisherwomen also argue that in the case of most families cash in the hands of women will lead to greater well being of its members than cash in the hands of men.

The promotion of shrimp industries across the coastal belt in the 1990s has also had a more adverse impact on women workers. Fish vendors/head loaders (women) have been restrained from using traditional pathways along the coastal line, and now have to take a longer route to reach the market. Sexual harassment of women has been on the increase as the industrialists are hardly accountable to the villagers.

Unresolved issues pertaining to access to resources kept fish out of the Agreement on Agriculture (AoA) in the earlier GATT discussion. Instead, fish came under stricter trade rules that govern industrial products under the negotiations on market access for non-agricultural products (NAMA). As a result, we have seen about 25% cut in import tariffs by developed countries against an overall reduction of 40% on industrial products. Major importing countries such as Japan, the EU and United States have, however, followed differential approaches toward imported fish products from developing countries ranging from preferential rates and duty-free access to nearly total removal of tariff from certain types of products such as raw fish, fresh chilled and frozen fish. Preferential agreements such as most favoured nation (MFN) and generalized systems of preference (GSP) covers 80% of the fish trade. The average weighted import tariffs on fish products to developed countries were 4.5% after the Uruguay round. This, however, hides a number of peaks and tariff escalation for processed and value-added products.

But this data is based only on exportable or importable fisheries and hence does not give the accurate picture of implications for fisheries and fisher people as a whole in

India. Especially, the fisheries collected by the artisanal fishing community. Poor fishers, fish farmers and women could become increasingly vulnerable to poverty as their income and livelihood opportunities are threatened. Their share of fish protein declines as wealthy and commercial operators have the incentive to take over fishing and aquaculture activities, and more fish will be consumed by wealthy consumers.

The impact of liberal trade on resource, livelihoods and nutrition are major concerns for policy makers dealing with market access and liberalisations of fish trade. Unlike the other highly traded agricultural commodities, almost 70% of tradable fish are still obtained from wild harvest, putting severe pressure on the sustainability of the resources. If the future increases in global fish trade follow the current patterns, it is likely to continue to induce overexploitation of wild stocks and environmental degradation.

The framework for non-agricultural market access (NAMA) aims to radically bring down and bind industrial and manufacturing tariffs to allow TNC products to flood Southern markets. This would result in unemployment and contractualisation, as well as reindustrialization. This would also mean the denial of developing and least developed countries to use trade policy as an instrument of industrialization. Simultaneously, it would also result in greater hardship for already suffering fisher folk, whose livelihoods will be further eroded by NAMA's proposed liberalization of fisheries.

Fisheries in developing countries are essential for achieving food security -- both directly (as food) and indirectly (as employment and income). In Asia and to a lesser extent in Africa, fish is a source of inexpensive protein. Fish is also high in lysine, essential amino acids, micro-nutrients and trace elements that are generally not found in staple foods. This makes it particularly suitable for complementing the high carbohydrate diets prevailing among the poorer sections of the population. The contribution that fish can make to the nutritional status of young children and lactating women is particularly significant. Their protein requirements are much higher because protein is required for growth. For children, whose stomachs cannot digest the bulk of starchy staples (maize and cassava in particular) incorporation of a small quantity of fish can substantially improve the biological value of the diet and contribute to significant improvements in nutritional security.

Viewing fish and fishery products as 'industrial products' is also doing gross injustice to the innate multifunctionality of the coastal area ecosystem from which these products are produced. If examining multifunctionality -- as it pertains to environment, food security and rural development -- helps to view the fisheries economy in developing countries in a more holistic manner, then this should be encouraged. In many developing countries, there is a case for creating a vision of multiple roles and functions for fisheries and fishing communities that will serve to create a context of wholesome livelihood and a sustainable fishery.

Subsidies for fisheries will be cut if not done away with, subsidies for diesel will be slashed, import tariffs will be drastically lower or done away with. Several fisheries, export houses will be established along the coast in violation of existing Coastal

Regulation Laws. Further efforts are already underway to dismantle or weaken the Coastal Regulation Zone, Law and the Environment Impact Assessment Notification which will have severe effect on the environment, coastal ecology and livelihood of the fishing people. This is what Transnational Corporations want through WTO: Mortgage India's sovereignty and freedom; Dismantle your existing policies, schemes, subsidies, tariffs and regulations. If India succumbs to this it will be the most shameful sellout in the world in the 21st century.

14. Elected Women Representatives, Decentralized Governance

In the last 2011 election the turnout of women as voters was 79.65% but their representation in the assembly is 11%. In the Parliament the women's representation is 11.4%. In panchayats there are women at various levels because of the reservation (total seats in local body-1,32,135). 1/3rd reservation means 44,045 but women are in 44,507 places. The then Union Government through the Constitution 73rd and 74th Amendment gave a political signal that decentralisation had come to stay in India - 33% reservation for women in elected bodies and also reservations for dalits and Tribal according to the proportion of their population were guaranteed. What is encouraging is that as against 33% reservation for women in local body, the actual participation of women is more than 38%. But this has not necessarily translated into women empowerment, or helped the marginalised community like the dalits and tribals to gain equal opportunities. Women and dalit presidents have to face many challenges and are used in many cases as a front by the power elite. Landlords, mercantile, upper caste leadership still persists in panchayat government. There are several cases of elected women members who remain behind their husbands or men in the family and allow them to take all decisions as though they are the presidents. Brutal attacks of women are several. The Inspector of Panchayats (District collector) has removed hundreds of elected leaders. Women presidents when refused to follow the diktats of the male panchayat members (caste political party or class) face problem through them.

Women and Dalit leadership who have been discriminated in the matter of participation in public life and denied access to political power for centuries. Real decentralized governance, grassroots democracy and power to the people can be achieved only when women, dalits and other disadvantaged sections who have been elected participate actively on an informed basis, enforce their rights and are free to perform their duties in an environment of dignity and security. Women are not allowed to freely discharge their duties as elected representatives. Any bold decision regarding the panchayat especially in terms of corruption, accountability and transparency in functioning is met by very hostile males / dominant caste and landlords / employers including threats to life and family. Entrenched male / dominant caste channels of bribe and looting of common village resources and earmarked finances, encroachment of lands and water bodies vested in Panchayats force women into helplessness or acceptance. Historical oppression which has pushed women into a culture of silence - women in panchayat lack the confidence to speak up in front of male members, challenge undemocratic / corrupt practices - constant use of discriminatory words by males. Even a Women Panchayat President not standing up when a dominant caste member

enters the office is construed as arrogance and met with severe hostility and abusive language.

Women continue to be grossly under-represented in Parliament and the State Assemblies and even at the candidate level, underscoring the need for reservation for them the legislature. For nearly two decades, the issue of women's reservation in State Assemblies and Parliament has been marred by controversy. The Bill seeking to reserve a third of the seats in the legislature has been introduced and allowed to lapse several times. Although women's representation has steadily increased over the past seven decades since independence, the State of affairs in Parliament and State Assemblies is far from encouraging and clearly, points to the need for reservation of seats for women in the legislature.

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Annexure - I

The rights-based approach to development: Potential for change or more of the same

“The disagreements between proponents and critics of the RBA have been less about the importance of human rights and the right to development and more about whether aims such as accountability, participation and people centeredness, which have long been fought for in development circles, are now realisable simply because of the adoption of the RBA. In other words, do the HR instruments on which the RBAs are based and the RBAs themselves have the ability to transform development practice?”

“While the World Bank embraces the language of rights, it continues to push for the privatization of essential services such water and national banks in several African countries and is engaged in land reforms which expand the access to land of trans-national corporations, rejecting arguments based on decades of experience that these policies would further impoverish poor households and their members.”

“One of the problems raised by the RBA is the role of the nation states in its implementation. Much of the discussion about responsibility and accountability has been in terms of what governments of developing countries need to do differently. Given the dismantling and disabling of the state under structural adjustment, the proactive role being given to the state under the RBAs is unrealistic. Even more significant is the fact that not much is being directed towards the accountability of the IFIs, transnational corporations, western governments and international NGOs.”

“Moreover, are the expectations of legal institutions and the legal and para-legal professions justified, given their poor record as champions of the rights of the poor and social groups such as women? In the case of women, the complicated relationship between them, the state and the law makes rights, at best, a contested arena for the fight for women’s rights. The inability of rights discourses to address human rights abuses against women taking place in the private sphere, in relation to issues such as sexuality, marriage, reproduction, inheritance and the custody of children, is also an issue (Human Rights Dialogue, 2000). The inability of rights analysis to account for the nuances of gender and other social relations, especially their relational aspects, is a problem.” “Thus, inspite of a critique of globalisation and its impacts on poor countries, HR feminism continues to be dominated by forces not particularly worried about the development paradigm and its implications for women.”

“The UN continues to be an important player in top down agenda setting and while it is today one of the few progressive but increasingly wobbly voices in discussions about development and women’s rights, its current political weakness and its desperate alliances with transnational and powerful governments to deliver some crumbs to the poor make it an unreliable ally in the fight for gender equality and development.”