

1. BACKGROUND NOTE

The National Commission for Women (NCW) has been instrumental in introducing fresh ideas, innovative models, training packages and models for speedy justice for women. Apart from looking into the law and legislation for effecting improvement to ensure speedy justice, the Commission has been focussing its efforts in the thrust areas mentioned below :-

(a) Organising through NGOs, Parivarik Mahila Lok Adalats through the length and breadth of the country on a continuous basis. (b) Launching of programmes on Legal Awareness; (c) Sensitisation programmes for police, NGOs, officials for better implementation of safeguards and laws for the benefit of women.

Drawing lessons from 'The Fourth World Conference on Women' held in Beijing which was principally about the status of women everywhere, and raising that status until the differences between the "haves" and the "have nots" disappear", the NCW recognised that in order to achieve gender mainstreaming, there is a need for institutionalisation of gender sensitisation training for government and other stakeholders. Equally important is the development of a methodology and curricula for gender sensitisation to meet the needs of people at the grass roots level. The dissemination of information and awareness of gender issues to grassroot women will be a step in the right direction wherein media and NGOs can play a useful role. An integrated media campaign projecting the positive image of both women and girls through electronic, print and film media can be an important component of a communication strategy.

The NCW attaches great importance to efforts which trigger change in societal attitudes towards women through a partnership approach. A number of training programmes on gender issues are being organised by the Commission in order to be more effective in pursuing the goals of gender justice and development of women. On International Women's Day, year 2000, the NCW and the CII (Confederation of Indian Industry) held a conference to explore ways in which strategies for sustained development of women in the urban local bodies (where there is 33 percent reservation for women) were worked out.

During tours undertaken by the Members of the Commission, it came to light that the course curriculum on women and law had not been upgraded for several years - at places even a decade. Again, the entire focus in the existing syllabus was on three codes - the Indian Penal Code, the Indian Evidence Act and the Criminal Procedure Code. Even legislations like the Dowry Prohibition Act, Child Marriage Restraint Act, Pre-natal Diagnostic Techniques Act etc., where the police could be directly concerned in law enforcement, were not taught. There were, of course, several NGOs mushrooming who were conducting gender sensitisation camps with varying degrees of success and diverse syllabi. In addition, the Government of India had already identified, from different States, members of the police force and social scientists and sponsored them for undergoing a training course on Gender Sensitisation at the University of Sussex, U.K. These trained' officers came back to the country equipped to train other individuals. Hence, a series of meaningful programmes came to be initiated in about 6-7 States in an attempt to have more sensitised police personnel. These on-going efforts have surely aided in pushing forward the exercise needed towards sensitisation of police officers. However, the effort brought to light the acute need for a standardised curriculum which should be comprehensive in its sweep and humanistic in its approach.

With this background, the Commission readily accepted the idea of organising a workshop to discuss the contents of a gender sensitisation course curriculum for police officers. And so the process began. During preliminary meetings, it was suggested that the constabulary level should be focussed on first, followed by inspectors and sub-inspectors and then the senior officers. This hierarchy was suggested, keeping in view the fact that it is the former who work at the grass root level and need to interact with the women who reach the police stations, whether as victims or as social workers.

However, a realisation soon dawned that the picture was much larger and more complex. What started at the police station through a woman knocking at its door went through the entire gamut of law enforcement mechanism i.e. the judiciary, the administration, the media and even the NGOs. Each of these institutions has an inner dynamics, usually weighted, by design or default, against the woman. Therefore, for a truly fruitful outcome, simultaneous exercises needed to be undertaken for the judiciary, administrative personnel, NGOs, and the media. What emerged was the idea of holding a two-day National Workshop at Vigyan Bhavan on 'Forging Partnership with Law Enforcement Agencies'. Five course curricula were presented by five premier institutions. In a brain storming interactive session, the participants at the workshop discussed the strength and weakness of each curriculum/module.

2 RATIONALE

The National Commission for Women is the primary body charged with safeguarding the interests of women in the country. The Commission has held meetings with experts belonging to Government Departments as well as NGOs from different areas of women's development to identify thrust areas for empowerment of women. After detailed discussions on various issues, it was decided that it is important to identify crucial areas which have been neglected by both the Government and Non Government Organisations. One of the major areas identified was the sensitisation of governing agencies, judiciary and the training infrastructure. A large majority of police officials and other members of the law enforcement agencies grossly misunderstand the concept of gender. There is therefore an urgent need to sensitise personnel for social change. Law has been described as a cobweb; the rich and strong would be able to break it and the poor would be entangled in it. To avoid such situations and such woeful comments, members of the law enforcement agencies must be educated and sensitised abundantly on gender so that women, particularly those from lower strata and disadvantaged groups, do not face apathy and callousness when they are seeking justice. Law should be seen as an instrument of change. In order that they may fully live up to the expectations of women in distress, administrators, police personnel, judicial persons, NGOs and the media should be trained to be gender sensitive.

The NCW has successfully established links with NGOs in different states at district level, who are networking and who provide necessary information regarding the atrocities, injustices etc being committed on women in their areas of operation.

The role of media in changing the mindset and creating awareness cannot be ignored. Commercialisation in the media has increased at the cost of human values. In order to reverse this trend and bring about awareness amongst the masses, particularly children and youth, there is an urgent need to sensitise the media.

3 WORKSHOP OBJECTIVES

The basic aim of this workshop was to create training modules to gender sensitise the police, judiciary, administrators, NGOs and media. At the same time an understanding of the actual difficulties faced by all these agencies in dealing with gender specific issues would become known.

The specific objectives of the workshop were as follows :

- Those who are part of the law enforcement machinery should become sensitive to the finer aspects of the social process;
- The sensitisation process should involve learning and unlearning after identifying the underlying mechanisms and biases, and making visible the invisible power structures that perpetuate violence;
- Gender specific violence in society may be curbed.

In addition, the workshop was meant to help develop course curriculum on gender sensitization of important faculties of law enforcement machinery i.e. police, judiciary, media, administration and NGOs. The workshop provided adequate scope for interaction/deliberations so that experts and officials of one faculty had an opportunity to look into the contents of the curriculum being drafted for another faculty. For example, members of the judiciary gave valuable inputs for the contents of the police curriculum and vice versa. Of course, the NGOs and social activists who are concerned with every day occurrences of crime against women gave the benefit of their practical experience for the contents of all the curricula.

4 DELEGATES

The participants of the two day workshop included the Union Minister for Information and Broadcasting, Minister of State for Women and Children, a former Chief Justice of India, former and sitting judges, Chairpersons and Members of the NCW and State Women's Commissions, Members of the National Human Rights Commission, and Government officials from the Centre and States. Senior officers of the Indian Police Service, members of the police force from "crimes against women's cell" and officials of police training academies, lawyers, social activists, members of the media, academics from women's study centres, and representatives of voluntary agencies were present. Among the participants were members of the public and committed citizens.

5 PROFILE OF LAW ENFORCING AGENCIES

5.1 The police, judiciary and the administration that runs the country are the gatekeepers of the justice delivery system. The civil servants are instrumentalities of the democratic state and while they have sworn loyalty to the Constitution as have the members of the Parliament and legislatures and the judiciary, they are trained to function as disciplined members of a service under the supremacy of the political executive, accountable to the legislature. According to a former civil servant (Times of India Suppl. (Government Business) 13 July 2001) civil servants fall into three categories :

- Some 15 per cent are absolutely straight and incorruptible, those who would oppose any wrong doing tooth and nail within the framework of procedures laid down;
- another 15 per cent are corrupt and will enthusiastically cooperate with others in sharing the loot;
- the balance of 70 per cent are prepared to look away and would not mind marginally benefiting out of corruption if it does not land them in trouble.

The women seeking justice naturally expect the administration, the judiciary or the police to be assertive, independent and incorruptible.

5.2 The administrative and the police cadres link-up for law and order administration at the district as well as the state level and work smoothly mainly due to the interpersonal relationship of the officers of the two wings. The maintenance of law and order within a State is the responsibility of the State concerned. The civil and police officers are entrusted with this onerous responsibility. The possible areas of friction and confrontation are many- political, institutional, legal and personal. They enjoy a wide range of power; hence, there are different responses and a varied enforcement of the same law in different parts of the country. In course of time there has generated some professional rivalry and selfish opportunism amongst certain members of the bureaucracy. This has led to transfers of top and middle level officers whenever there is a change in the political scenario. Has this not greatly only distorted the accountability of officers and disturbed the morale of the institutional administration? There is no doubt that unbiased mutual confidence between the polity and the administration is vital for efficiency.

5.3 There is an inner fear towards these agencies that denies most women access to justice. As victims of sexual assault/ domestic violence/shame/ guilt they fear being traumatised, humiliated, stigmatised by these agencies. The feeling of most women is that instead of protecting society some of them are often protecting the perpetrators of crime.

5.4 The IPS officers form only a very small portion of the overall service and statistically close to 80 per cent of the ranks consist of constables and head constables. This 80 per cent forms the cutting edge as far as interaction with the public is concerned. Most of the ranks of police force come from the same society and the same segments which produce the criminals as well as the victims. Because the Police Service is predominantly male (approximately 91% of all Officers. Women in the IPS as on 1.1.99 constituted only 3.44 percent) this can have adverse consequences for women when seeking the protection of the law. Research indicates that women are often reluctant to seek assistance from the Police in matters relating to domestic violence or sexual assault due to the fact the force is overwhelmingly male, and not sensitive to the issues. This is compounded for women where a proportion of the Police Service have, in the past, displayed a lack of understanding of the problems faced by women, particularly in domestic violence situations.

There are gender issues within the police administration. These relate to how women personnel are utilised within the department. Most of the women police officers and constables are not usually allowed into the mainstream of policing at present. Women, in addition, feel they are denied important assignments. The result is that there is some amount of frustration.

5.5 It has been frequently seen that disposal of cases of rape, molestation of women etc is frequently delayed. The acquittal ratio in these cases is high, sometimes more than 90 per cent. This is because of the delay in getting the inputs by the investigating officers to investigate the crimes. The forensic support, which the investigating officer should receive in a short time, is also delayed or missing. Conviction rates are only about 3,4, or 5 per cent. Improvement of justice delivery has to ensure that cases in which offences have been committed should not go unpunished. One of the main problems is the poor quality of evidence of the prosecution.

5.6 There is apparently complete unanimity among law makers, law enforcers, prosecutors and executors of justice on one issue: people are fast losing faith in the system and there is an urgent need for introspection, before it is too late.

5.6.1 The term "**corruption**" needs to be redefined now. Its diabolic effects can be felt differently by different people. It is no more limited to the actions covered by the Prevention of Corruption Act. Any action or omission which aims at shielding a corrupt public servant, whether he is a law maker or a bureaucrat, is a form of corruption which may not necessarily involve monetary consideration but surely nepotism. The common people, the victims of crime, the innocent, helpless victims of government's inertia are the first victims of such governance. The Central Vigilance Commission says that 'Corruption thrives on lack of transparency and delay in action'. It is fatal for the polity and for the rule of law. **Coercion**, whether in the form of a threat or allurement, with an ulterior motive to cause further harassment to the innocent citizens or victims of crime, should also be seen as corruption.

5.6.2 A committee set up by the present government to **suggest measures for introducing reforms in the police administration** should consider the plight of people in the hands of law enforcing agencies. While ordering the trial of the five Punjab policemen involved in the brutal killing of a couple in Calcutta seven years ago, the Supreme Court had observed that if the charges were established, it would "reveal a sordid state of affairs where human life has virtually no value for the officers who are supposed to be protectors of human life". The charges have been established. The committee's member, former Union home secretary has admitted that there is **criminalisation** of the force to some extent, which has weakened its command structure. He wants changes in the Police Act in view of the changed crime scenario in the country. He favours fixing accountability on the police force and for defining the role and responsibility of other agencies including the prosecuting agency, jails and administration.

5.6.3 Earlier, a one-man judicial commission set up by the Madhya Pradesh government had recommended evolving a code of conduct for politicians and bureaucrats.

5.6.4 Referring to the efficacy of the law enforcement agencies in curbing illegal activities, the Justice G Sohani Commission opined that in curbing the activities of the mafia, investigation and prosecution of offenders should be entrusted to honest, diligent and conscientious officers selected only on the basis of merit.

A great judge once said: be you ever so high, the law is above you; the law enforcers should also delve deep into the matter and try to work out why people are turning so violent these days. Clearly, the common people have lost faith in both the efficiency and honesty of these agencies.

6 GOVERNMENT'S INITIATIVES TOWARDS GENDER JUSTICE

The government would like to ensure that in all policies and programmes there is mainstreaming of gender. Some departments are allocating more than 30 per cent of the funds for development of women. Directly or indirectly, the Government of India has initiated several measures towards gender justice. A few are enumerated here.

6.1 The Department of Personnel and Training, Government of India and the UNDP are jointly implementing a project on capacity building in civil services. One of the outcomes in the project deals with women's issues in the civil services. The Gender Studies Unit of the Lal Bahadur Shastri National Academy of Administration, Mussoorie, was engaged as a consultant under the UNDP project to carry out the following tasks:

- To conduct a survey on gender in civil services.
- To develop a curriculum for conduct of gender sensitisation workshops in 10 Administrative Training Institutes (ATIs) located in different states of the country.
- To conduct a workshop on policy formulation with Joint Secretaries in charge of different cadres of Central Civil Services and All India services, as participants.
- To publish a book incorporating the policy recommendations in different workshops.

The sub-programme aims at capacity building of the public authorities for improving citizens' access to information for achieving transparency and accountability in governance at all levels. This will be achieved by strengthening training of civil servants and sensitising them about the citizens' right to information; organising perspective-building workshops for the policy makers and implementers; developing training modules; and exposure to best practices. The sub-programme also aims at enhancing the current knowledge-base about required concomitant changes in procedures; public perceptions about grassroot initiatives and the pro-active information disclosure initiatives of Central and State governments.

6.2 Special provisions exist for women in the Central Government like

- age relaxation for recruitment of wives of deceased employees,
- recruitment of women separated from their husbands,
- exemption from requirement of educational qualifications in respect of wives of deceased government servants,
- employment on compassionate grounds to posts of peons,
- guidelines for provision of day-care facilities for working women,
- allowing cadre change in respect of members of all India services on the ground of marriage and
- Creation of harassment free environment by issuing guidelines on dealing with cases of sexual harassment.

6.3 The Fifth Pay Commission has in fact broken new ground by suggesting

- possibility of career grades,
- flexi-time,
- combining the leave of husband and wife by creation of an earned leave bank, which could be used by both.



The Inaugural Session



The Police Official's point of view

6.4 The Home Ministry has suggested wider recruitment of women in police forces particularly for woman officers in the crimes against women cells (CAW). Special women courts should be set up in each district. It has also been suggested that cases of rape should be handled in a court presided over by a woman magistrate. For evidence of rape, the investigation should be conducted at the residence of the victim by a woman police officer. If the victim is less than 16 years of age, she should be questioned only in the presence of parents/relatives. A female medical practitioner should preferably carry out medical examination of rape victims.

As far back as 1996, a DO letter issued from the Home Ministry to all Chief Ministers stated that appointment of **dowry prohibition officers** should not be overlooked. Till date the responses from the states has not been encouraging.

6.5 The Department of Youth and Sports Affairs has brought out a manual on Women's Development and Gender Justice for the National Service Scheme (NSS) Programme Officers. This department is working through the Nehru Yuvak Kendra towards women's participation in mainstream development process.

6.6 The Department of Women and Child Development similarly, has undertaken programmes for women victims of violence. There are short stay homes, observation homes, juvenile homes, special homes, after care homes - in all maintaining about 32,000 inmates in the country. There are also about 400 Family Counselling Centres to provide preventive and rehabilitative services. The Family Courts Act was enacted in 1984 for establishment of family courts by the states. In all about 80 family courts have been set up so far. The Union Government has approved the creation of 15 Family Courts in the National Capital Territory of Delhi.

7. SALIENT THEMES THAT EMERGED AT THE WORKSHOP

Speaking on the subject of gender justice, at the inaugural session, a leading legal luminary and a former justice of the Supreme Court said that a process of subtle penetration of minds is taking place during sensitisation. The process should not be one of indoctrination. An attitudinal change will ultimately emerge in the minds of those who are the power centres and this is a sensitive issue. The speaker cautioned that there will be a counter productive reaction if the slightest mistake is made and people get the impression that they are being pressurised into accepting something that they do not agree with entirely.

Therefore, the methodology of sensitising and its implementation at the ground level becomes very important. Thus, the task envisaged by the NCW is a difficult one and results cannot be expected overnight.

Yet, another observation made by the eminent judge was that even after 50 years there has been no attitudinal change in the perception of implementation of Fundamental Rights. Even women who join the police or judiciary sometimes follow the service culture.

The Minister for Women and Child development remarked that inspite of Constitutional provisions and Fundamental Rights there is a wide gap between legal provisions and social reality. Of course, the reality that strikes most women is -'will I get justice or not?'



Member, NCW makes a point

7.1 POLICE PERSONNEL AND GENDER SENSITISATION

7.1.1 The need for gender sensitisation of police arises due to the following reasons :-

- The concept of gender is grossly misunderstood by a large majority of police officers .
- Lack of awareness and appreciation of the prevailing gender inequalities among police officers in the country.
- Cult of masculinity prevailing in the police organisation which does not easily permit a change in the attitudes and behaviour of male police officers towards women.
- Delays in the investigation of cases .
- The perfunctory nature of investigation and delay in disposal of cases .
- Increasing cases of violence against women .

7.1.2 Describing the modules prepared by the S.V.P. National Police Academy the speaker from the Academy said that so far they had been touching upon only the general aspects of gender issues in training. It was not a structured content. The Academy cannot conduct training courses for SHO's, SI's, or constables as they are to be conducted by the State Police Organisations. The training has to be carried out in the regional languages. The Academy however can conduct Training of Trainers for the above mentioned categories .

TRAINING MODULES AT SECTION 11.1

7.1.3 Besides presenting the training module on gender sensitisation for police personnel the Speaker told the group that a study conducted by them in the two states of Andhra Pradesh and Uttar Pradesh on gender issues revealed the following :-

1. Male police officers feel that there is no need to integrate women into the mainstream of policing.
2. Women police personnel should be given specific tasks related to women and children but not integrated into the mainstream. They need not be given any other jobs.
3. Women are not enthusiastic or career oriented about their jobs.
4. Women may work as cooks in the police mess.
5. Women should only escort women prisoners and not male prisoners.
6. Women should not be engaged in operations against militants, extremists and insurgents.
7. Women should be given special training to bring them on par with men, implying thereby that at present they are quite inferior or rather incapable of doing their jobs.
8. Women police officers are very gentle and are not capable of handling hardened criminals.

If just a small section of male police officers hold opinions as mentioned above about their own colleagues in the service then their opinion about women in general cannot be very different.

7.1.4 Following the presentation of the training module for different levels of police functionaries the delegate from the Police Training School made the following remarks :-

- The SVP National Police Academy, Hyderabad, is the umbrella organisation for the Indian Police Service. As policing is a state subject, the BPR&D (Bureau of Police Research and Development) should be involved in making a practical training module. It was suggested that **NCW form a core group comprising the Gender Training Institute, (GIT), BPR&D and the SVP National Police Academy who should develop a module together.**
- The **methodology should shift from teaching to learning for the police officers.** NCW could hold a training workshop annually as part of its activities. The Commission could organise a Training of Trainers workshop. Bringing in NGOs and police officers in that programme could build partnership.
- It is **important to incorporate in the annual budget of the NCW a head for conducting regional workshops for sensitising the police in the states.** Besides providing the financial inputs and the faculty, the NCW will monitor the training programmes. So far, most of the training has been carried out by NGOs through foreign funding.

- Police training is not a budget-planned subject hence there is never enough money for training. **The NCW and the NHRC should persuade the Government to make gender sensitisation at least a budget planned subject.**
- **Deployment of women police personnel should be justified.** It should be done in all departments. Women have been trained for policing and should be employed for that purpose. NCW and NHRC should monitor the subject of employment of police officers. The normal excuse given is that there is no sanctioned strength for deployment of women in police stations. It is therefore important to resanction the strength and this is possible with a little pursuing. Where there are ten men, it is possible to have three sanctioned posts for women.
- **Police personnel** appointed at the stations are untrained. Whosoever is **on duty at the police station should be trained mandatorily for gender sensitisation** at least one week before assuming charge. This is important as personnel come from different branches such as Special branch, traffic, airport security, VIP security etc. Training for the cutting edge i.e. the constables is important. These are not police rules and it could be taken up as a PIL (Public Interest Litigation).
- Police Department in every state should have **a crime prevention plan, a people's participation plan, in police publicity** so that the public can monitor the forces performance particularly when the subject is crimes against women.
- It is important for **both NHRC and NCW to take up the case of shift system in duties performed at the police station.** So far, there has been no provision for shift system and this discourages women from working at the police stations.
- **Training policy for police officials should be published** by the department.
- **There should be holistic management of all the police departments. It is necessary for training modules to be used by all the states.**
- **Suggestions made at the workshop may be sent to the BPR&D, Home Ministry, Department of Women and Child Development for implementation. In case an annual workshop is organised by NCW, a checklist of the failures and successes of sensitisation could be enumerated so that there is an end benefit.**

The Delhi Police Training College is one of the premier institutions in the country, which imparts training to the Indian Police Service (IPS) Probationers of the Union Territory cadre. Its trainees also include Assistant Commissioners of Police of Andaman & Nicobar Cadre, Sub Inspectors, Assistant Sub-Inspectors and constabulary of the Delhi Police, Jammu and Kashmir Police, Arunachal Pradesh Police, Sikkim police and trainees from foreign countries like Maldives, Bhutan etc.

They have begun gender sensitisation courses in collaboration with GIT and ACCORD, which are private training institutes. The training given to senior officers and gazetted officers is focussed although it is as miniscular as a drop in the ocean. They have also decentralised the training

programme by permitting ACCORD and GTI to conduct the training programmes in the districts. Funding will be done by the police-training budget. The training college at Delhi has also been organising Vipasana meditation programme for 3000 police officials. This will bring about a holistic improvement in making better human beings out of police officials.

The National Police Academy (NPA) trains officers of the Indian Police Service. In India, recruitment to the Police is made at 4 levels - viz., the constables, Sub Inspectors (SI), Deputy Superintendent of Police (DSP) and Assistant Superintendent of Police (ASP). The training programmes now conducted at the Academy are the Basic Course for I.P.S. Officers; three Inservice Management Development Programmes for officers of S.P., D.I.G. and I.G. levels of the Indian Police Service; Training of Trainers' Courses for the trainers of various police training institutions in the country; IPS Induction Training Course for State Police Service Officers; and short specialised thematic Courses, Seminars and Workshops on professional subjects for all levels of police officers.

The Training Division of BPR&D reviews from time to time arrangements for police training and the emerging needs in the light of changing socio-economic conditions and the need to introduce scientific techniques in police work. On this basis, it formulates and coordinates training policies keeping in view the future job requirements of the Indian Police. Its charter also includes developing an analytical and systematic approach in police personnel and inculcates the habit of adopting scientific methods and techniques in crime investigation. It also helps to develop training policy, training strategy and induction of new and more effective training methodologies in State training establishments. Another important function of the Training Division is to bring uniformity in police training by developing syllabi, reading materials, and has a video library of 110 training films, and conducting quality audit of the State Police Training Institutions. The Training Division prepares project reports on establishment/upgradation of various Central/State Police Training Institutes. It also prepares specialised training courses for Central/State police personnel.

7.1.5 Affirmative Action

In Andhra Pradesh before police personnel take up charge at the police station, they undergo at least 6 months re-orientation course. They are sensitised to women's problems and human relations. Officers who are already working as SHO's are periodically to undergo sensitisation courses on crimes against women and human rights. (Rights of women and children are taught).

Disagreeing with the idea that only women police can look after the interests of women, the Director of the Police Academy narrated a case, where, in Vijayawada, a case of torture of a tribal woman leading to her death was reported. The accused SHO was a woman police SI, abetted by a woman constable and a second person who was also a woman constable. Men were not involved at all. Though most people think that gender bias comes by just wearing a uniform he contradicted the statement and said that it comes from within the society.

The Bombay Police along with the Tata Institute of Social Sciences (TISS) have implemented a successful experiment since 1984. A special cell of trained social workers work with the police in

some of the police stations in Bombay. They handle complaints of domestic violence and other complaints where women are involved. They also carry out counselling, home visits, and psychological counselling. The interaction with the police has helped in getting crimes against women properly investigated.

A general suggestion made was that as in the State of Andhra Pradesh whenever there is a function organized by the women's organisations the local SHO or the Circle Inspector will be invited to take part in the function. Similarly, whenever the police department is holding any function, they should involve the local NGOs and Mahila Organisations. This suggestion is being implemented even in a function involving immunisation (giving oral polio drops) or some function involving DW ACRA groups. In short, the lay person is acquainted with the police personnel and this helps in forging an amiable partnership.

One of the participants suggested that a public relations exercise can be held once in a way and a day earmarked for the same so that the public can go to the police station and gain first hand experience of what happens there.

7.1.6 Some of the areas of focus suggested by the Speaker from the SVP National Police Academy are :-

- There is need for a separate training module for police officers at different levels- at the entry level as well as in-service training programme for the officers.
- Efforts should be made to bring about attitudinal change in officers by conducting psychological exercises.
- There is need to associate officers from other criminal justice agencies at least in some courses for a consolidated action for providing gender justice.
- Some commitment should be made by top level police officers towards the training programme.

7.1.7 Areas of concern

Police officers present at the sessions lamented that they had lost their sensitivity after joining the service. Nearly all the values that they cherished as students had been lost or eroded after spending years in the service. The police force is still governed by the 1861 Act where the basic duty of the police officer is the maintenance of law and order and prevention and detection of crime. The methodology to be followed is not laid down. A participant felt that a time has come when some additions have to be made in the job content so that a police officer can help a person in distress. A strange situation that the police force faces is that most of the ranks of the police force come from the same society and the same segment in which they ultimately turn out to be the oppressors. It is also unfortunate that no person in power ever complains about a police officer's behaviour. It is necessary to change attitudes in the personnel.

The senior manager from the GTI also suggested that regular training of the constables is required, as those that receive initial training are not exposed to it again for 15-20 years. There seems to be some lack of follow up.

The Chairpersons of the State Women's Commissions also attended the workshop. They had some pertinent comments to make as far as forging partnership was concerned. The general feeling was that there is no cooperation, or understanding or communication between the law enforcing agencies, the police and the women folk. Even registration of a FIR at the police station is becoming a difficult task. It should be possible to lodge a complaint on the computer so that investigation by police personnel can be done easily.

7.2 ADMINISTRATIVE PERSONNEL AND GENDER SENSITISATION

A brief background about the necessity to sensitise the governmental administration was presented at this session. Gender sensitisation or its concepts were unknown words a couple of decades ago. It has become the buzzword these days because power relations between sexes are known to be operating all the time. These do not exist in a vacuum and are related and influenced by social, political and administrative systems that exist in the country. There is need to gender sensitise and make people responsive to the needs and concerns of persons.

7.2.1 There are issues to be considered in gender relations so that administrative personnel can be sensitive to these issues and it enables women to play their roles as decision-makers. This may be for themselves for e.g. how many children she wants to bear, for her family, for the community where she resides or for the society as a whole. For this, it is necessary that she has more access and control over resources. Giving an example the Chairperson of this session said in order to be economically empowered, she needs

- a collateral (Government has started micro credit schemes for women where credit is available without surety though it is difficult to say how many women are accessing this facility);
- to know about her legal rights. If she cannot use any asset as collateral, she definitely needs to know that she has equal rights in property.

7.2.2 When women are faced with difficult situations such as violence, denial of property rights, harassment at home or workplace, even in initiating a private enterprise, there is need to sensitise the administrative machinery to the needs of women. Various departments of the Central Government, the State Government and the machinery right down to the urban and rural local bodies and the voluntary bodies should be sensitised so that women are given an equal opportunity for developmental work. Regular training workshops need to be organised because an administrative official heads a department where most of the developmental work takes place and this person takes the final policy decisions. In addition, government officials must have the opportunity, through workshops and training programmes, to appreciate and become more sensitive to the importance of women's leadership and the challenges women face.

Today, the functioning of the bureaucracy is quite different from that of the early years of independence. We are slowly moving away from the welfare approach to participatory approach for developmental work. In such a case the attitude towards one's constituency changes and social change is brought about so that the zilla /district does not lag behind.

7.2.3 The delegate from the HCM Rajasthan State Institute of Public Administration said that they had established a Women's Resource Centre, an idea that originated in the National Perspective Plan of 1988. The administrative academy organises a different module for the foundation course and a totally different course for in-service officers coming in from the various departments and a different one for those at the policy level. It is thus impossible to work out one module for all the states and equally difficult to have one clear-cut module for different types of people in the administrative services or even the police services. **There has to be a difference in the content of these modules for different states and for the different people who will be sensitised.** Most of the time three fourths of the module is just information without ever bothering to know what the requirements of a group are. Therefore, there is a need to have specialised modules for each segment of administration with the common goal of making the life of a woman an honourable one. Giving an example about ground realities, the senior IAS officer remarked that in Rajasthan alone there are about 5 lakh Government employees of all shades and hues and if one went according to the ordinary methodologies of training it would certainly take a long time to sensitise a *patwari*, or a constable or even a secretary.

7.2.4 He also added that it is as difficult to sensitise a woman official as it is to sensitise a male official on gender. Recalling the incident of the Bhanwari Devi episode in Rajasthan in which the victim was gang raped by persons of the upper castes he described how a senior lady police officer told him 'give me ten minutes with Bhanwari Devi and she will admit that no rape was committed.' The victim was in fact trying to stop a child marriage in the village (child marriages are not permitted by law) and for that she was gang raped in order for her to learn a lesson.

7.2.5 The main functions of the Lal Bahadur Shastri National Academy of Administration, Gender Studies Centre are :-

- to impart training to the officers at the academy
- to develop modules for other academies;
- to act as a resource centre for all kinds of information regarding development and its affect on gender issues.

Presenting the training module for administrative officers who join the Lal Bahadur Shastri National Academy of Administration, the faculty member from the training centre said that at the induction training for probationers, modules on gender sensitisation are given. Besides this there are training programmes for in-service officers. The National Gender Centre for Training, Planning and Research has prepared these modules. There is a shift from the welfare approach to the partnership approach in all training modules on gender. The Academy also undertook a project called the GPTP (Gender Planning Training Project).

The GPTP output strategy was to build a national gender training resource through a team-based partnership amongst trainers, their NGO/university partners and State government officials and to develop gender specific training modules. The GPTP teams have developed 10 training modules concerning :-

- Gender module on 'Gender issues in Development'.
- Gender and Cooperatives.
- Girls' Education.
- Gender and Literacy.
- Violence against Women.
- Gender and Environment.
- Women and Panchayati Raj.
- Gender and Entrepreneurship Development.
- Gender issues in anti-poverty programmes.
- Access to health care: a gender perspective.

Methods used for training are classroom discussions, presentations, informal meetings, group discussions, film shows, case studies, panel discussions and village visits etc. At the intensive training stage, which is a five-week course, the thrust is on group discussions and the group decides issues. Modules are introduced after receiving the feedback from the trainees.

7.2.6 Representatives of the State Commissions for Women who were at the workshop briefed the participants about their activities towards building partnership with the administration and local NGOs. In Kolkata there was a legal workshop for sensitising law officers. In this context, meetings were held with the Law Minister. Participants from Mumbai, Delhi and Tamil Nadu attended and some recommendations were made on rape laws. The West Bengal State Commission has been regularly organising sensitisation programmes for the police officers.

MODULE AT SECTION 11.2

7.2.7 Problems associated with training

- Time is a great constraint especially for police officers at the SP and DIG level and they find it difficult to attend training programmes. Similarly, for district officials like the Collectors, the SP's and others it is difficult for them to come together.
- The inputs into the various services are from many entry points and basic understanding is different. For example, in Rajasthan, many officers come from feudal systems so the concept of gender understanding is very different.
- The systems of training whether at the academy or at the state level are very conventional and rigid because there are insufficient trainers who can bring about a behaviour change.
- There is a certain amount of distrust between the bureaucracy and women activists and vice versa. Women activists should freely approach training institutes and give them inputs for developing modules.
- It would be necessary to have a psychological screening at the induction stage so that attitudes can be corrected.



The voluntary sector perspective



Participation by State Women's Commissions

7.3 NGOs AND GENDER SENSITISATION

7.3.1 In society the administration, the police, the judiciary, NGOs, the media cannot function as separate entities. They are interdependent as was stated by the Chairperson of the Central Social Welfare Board (CSWB). The general feeling amongst most people is that the voluntary sector does not work with zeal and enthusiasm for the society at the grass root level. This is a false notion. There is a definite need to generate hope and respect for the voluntary agencies so that they can bring about awareness and change in attitudes. On the other hand, running down any law enforcement agency by saying that they are non-cooperative is of little use. Besides, the registered voluntary organisations there are religious organisations which can help in sensitising people to various issues and they should be taken into confidence. There are about 20,000 NGOs associated with the CSWB. Explaining the out reach of these voluntary agencies she said that over 381 Family Counselling Centres (FCC), were functioning in the country and these numbers would be increased progressively. Men too need counselling and not just women. In fact, the CSWB will also be introducing pre-marital counselling in 25 universities run by the voluntary sector due to the changing situations. There is a definite need for gender training of the NGOs, as they can be a via media by which common people can reach the police particularly in case of domestic violence or sexual assault. These were the thoughts put forth by the Chairperson of the session.

7.3.2 Expressing concern on the language used in some regional folk songs, which often ridicule the mother-in-law, the Chairperson exhorted the group to work for changing this bias against women. There was a call to bring about a change in the education curriculum both in the formal and non formal systems of education so that there is a greater gender awareness particularly legal awareness in order to bring about a revolution so that we can bring out equality between sexes.

7.3.3 The senior training manager from GTI speaking on the subject of domestic violence said that it is normally viewed as a trivial offence. The International Centre for Research on Women (ICRW) conducted a study on this subject as part of a world wide study. Statistics showed that more than 40 per cent of women in India face domestic violence and this violence cuts across economic strata, caste and class.

The other point that was clearly made was that gender just does not mean addressing women's issues, as it is essentially the relationship between men and women that is being dealt with. Sensitisation does not exclude women. Gender training is a continuous process and essentially involves restructuring relationships for which assessment has to be done continuously. It cannot be done as a half day module or a one-day module. It becomes important to look at socio-cultural factors and the historical perspective while preparing modules for any particular group. The trainer in fact sympathised with the police force and said that it is wrong to blame the police system entirely as its members come from so many different classes, castes, religions who are all rushing towards the cities trying to find jobs. Placements are few compared to the huge population. They normally work 18 - 20 hours a day and yet the common complaint is that they do not carry out their duties with efficiency.

The **Gender Training Institute** (GTI) conducts gender training in five primary sectors

- Education
- Law enforcement agencies

- Corporate sector
- Grassroots level workers and
- Panchayati raj

The gender modules are prepared by the GTI based on need assessment.

TRAINING MODULE AT SECTION 11.3

Summing up the proceedings of the session the chair said that expectations of the NGOs from the police were certainly high. The module presented should reach far-flung areas by adoption in the regional languages to bring about equality between men and women. Different media such as folk songs, folk tales etc could be used to carry out the message of gender justice.

7.4 GENDER SENSITISATION AND JUDICIARY

7.4.1 Courts have no doubt played the role of catalysts as far as women's rights are concerned. The judiciary have intervened, upheld these rights for women and have created awareness amongst members of the society. However much needs to be done in the realm of the courts outlook, attitude and perspective, all of which have to change with changing times in order to bring about speedy justice to women in a proper and dignified manner. Law is an instrument of social change and judicial personnel need to be sensitised for social change. A judge must therefore advance the goal of the Constitution by actualizing liberty, equality and fraternity. The object of the sensitisation programme has to be the attainment of the goal of equality and the attainment of the goal set out in the Directive Principles of State Policy.

Judicial duty and its discharge calls for no bias, no discrimination and above all demands fairness, objectivity, irrespective of any caste, creed or language. The questions raised therefore are:-

- Are judicial officers biased as members of a society?
- If so, are these cultivated over a period or are they inherent?

7.4.2 The issues that were raised were that the Indian Penal Code is no longer the code that it was in the 19th century. We are at present witnessing social offences of various kinds. These can be termed as criminalised socially unacceptable behaviour. By suppressing socially unacceptable behaviour, society is also criminalising certain behaviour. For example, domestic violence has been included as a criminal offence in Section 498A. The police cannot deal with it in the same way as it would deal with a crime of robbery. The law has started addressing crimes against intimate partners such as domestic violence. When the police investigate a crime between intimate partners the methodology of investigation changes and one has to look into the bias shown by the police and the judges.

7.4.3 It is also important for the judiciary to forge partnership with NGOs. They alone cannot carry the burden of social change. If a woman appeals to an NGO for help and assistance before she goes to court, the judges should respect the record submitted by the NGO to the court. It must be treated as evidence in the court of law if the NGO has a good record of accomplishment. Similarly, the NGO should have a legitimate role in assisting the women to lodge a proper FIR at the police station.



Forging partnership with the judiciary

The Minister's address at the valedictory session

7.4.4 The Andhra Pradesh Judicial Academy, (APJA) Hyderabad has prepared a general module covering the subordinate judiciary keeping in view the jurisdictional variations in the states as also the variance in the recruitment policy. Recruitment of judicial personnel is a State subject. The APJA has trained a number of judicial officers exposing them to the insights, perceptions and intricacies that are connected with the subject 'gender and gender justice'. Training is imparted at the Academy to the following three judicial structures. It is of course possible that judicial powers will overlap each other.

- LOWER LEVEL-** District Munsif/Junior Civil Judges
First Class Magistrates
- MIDDLE LEVEL-** Subordinate Judges/Senior Civil Judges
Also called Asst. Sessions Judges when dealing
with Criminal cases
- HIGHER LEVEL-** District and Sessions Judge assisted by the Additional District And
Sessions Judge. (For Civil cases it is the District Judge and for Criminal
cases it is the Sessions Judge)

7.4.5 Two types of course curriculum containing 22 topics have been suggested

- i A sensitisation programme for fresh recruits beginning with basics
- i Continuing education for those with sufficient experience.

The Andhra Pradesh Judicial Academy has been set up by the Government in Hyderabad to provide in-service training to judicial officers. It will provide training to judicial officers of the states as well as officers working in the Courts. The Academy will also function as a centre of excellence in the State.

TRAINING MODULE AT SECTION 11.4

The consensus was that the courts do suffer from lack of correct perspective and this is the main reason for justice being delayed and denied. Much has to be done as far as courts outlook, attitude and perspective are concerned. These have to change with changing times. The letter of law binds many judicial officers thereby defeating the ends of justice. The main problem however remains that laws meant for women are not reaching them. There is no awareness, women do not reach the law, they have no access to law, and ultimately there is no access to courts. Unless this vicious circle is broken and there are the necessary social and legal responses to the problem, all efforts will come to nought.

7.5 MEDIA AND GENDER SENSITISATION

Media is a generic term applied to mass communication activity in various forms. Indian society has shown an ambivalent attitude towards women in general. On the one hand she is perceived in the highest regard and worshipped as 'Devī' while on the other she is treated as an inferior and base being. Invariably women are, subjected to hardship and oppression. Indian media too makes no exception in spite of the Constitutional guarantee of rights to equality.

7.5.1 Certain features that characterise media are :-

- It is a commercial activity based on economic profits.
- Media is male dominated.
- Media reports depend on the section of the audience it caters to.
- It is impossible for media to develop a holistic approach towards any single issue.

7.5.2 The Indian Institute of Mass Communication, IIMC, is a premier institute for media training. About half the trainees are girls. There are no specific gender inputs in the training per se but gender sensitisation is indirectly a part of the programme because students deal with real societal issues. The capsule presented by the Professor from IIMC was to be used in their upcoming academic session.

TRAINING MODULE AT SECTION 11.5

7.5.3 Media's portrayal of women

Just as gender discrimination exists in the police, judiciary and elsewhere, it exists in media too. Media news mainly covers issues of maternal mortality, discrimination in wages, women's employment, and job stagnation besides the sensational news. A student from the IIMC after having conducted a survey of newspapers said that the Indian Press has perpetuated the stereotyped image of Indian womanhood, occasionally portraying her with a sexual bias. Women in politics are covered but the press tends to make trivial their participation in this area. Similarly in the economic and industrial sectors, there are a number of women entrepreneurs and businesspersons. Their development and success is largely ignored by media and when they do give them some mileage they attribute it to their being someone's daughter or wife. Crimes against women like rape, molestation are reported where the news is often sensationalised and women are treated as scapegoats in social, political or religious matters. This is being done in spite of the Press Council of India framing certain guidelines for the benefit of print media covering events of crimes against women. The Press Council has expressed the hope that journalists will keep these general principles in mind while covering events of this nature.

7.5.4 In the context of gender based bias, media and law enforcement can be understood from the following three angles :-

1. Media and women, which includes gender discrimination at work place, in employment, in promotion and problems of harassment, sexual or otherwise.
2. Media awareness of women's issues; knowledge and understanding of the laws relating to women.
3. Media and law enforcement under which some issues can be taken up like
 - Violence, oppression and injustice to women;
 - campaigning for ensuring justice to women and punishment to guilty.

7.5.6 Women's strength in media

As regards the presence of women in media both in terms of numbers, (whether absolute or in comparison with men), and status in terms of positions they occupy, what comes to light is that,

as in other fields, women are relative latecomers. A UNESCO paper reveals that women's share of overall media employment world-wide is below 20 per cent. In India, their overall share of jobs in the press is 8 per cent, though they account for a relatively high proportion of editorial level executives which is 15 per cent.

7.5.7 Women on women's issues

Another issue that was discussed during the proceedings was that women journalists are no longer readily willing to write on women's issues such as development, health, education, family welfare or population. Most women consider them as soft issues and it does not help them in career promotion. In order to prevent marginalisation they have slowly moved to covering the political section. The chances of rising to the top are certainly better there.

There are high expectations from feminist groups who demand that media should have a degree of social consciousness and responsibility and should apply correctives to solve problems. The participants also felt that there is need to have more women at the top i.e. at the editor's level. It is equally important that the basic attitudes of proprietors of newspaper change to prevent the negative representation and commodification of women.

7.5.8 Responses to areas of concern

The panelists and the audience broached several areas of concern. The Minister for Information and Broadcasting in his valedictory address said that while it is somewhat easy to criticize and condemn the happenings on TV or in the press regarding the negative portrayal of women we must understand that under the Constitution, media is granted the right to free expression, just as we have our own right to free expression and right to information and knowledge. The extent to which the State can interfere in this domain is almost negligible. As far as glorification of certain aspects in the advertisements is concerned, it is promotion of business and is linked to the right to trade, right to commerce, right to business or right to industry. The laws of the land regulate advertisements such as The Prevention of Indecent Representation of Women's Act. Disagreeing with the observation that crude obscenities have crept into the media, he said that print and electronic media are free from rogue newspapers and channels respectively in India. The problem is not just of unfairness, injustice or gender bias or discrimination in media. It is the era of information technology and multimedia where technology has improved so much that censorship controls will be even more difficult when the Internet would be available on the TV by using a telephone or a mobile phone. Technology would defy all forms of censorship.

Media organisations should therefore have certain amount of self-discipline. Television and newspapers are market driven for making commercial profit. A survey done by the Ministry showed that people want cinema on TV. Entertainment and cinema top the list followed by cricket and then the third choice goes to the mythological serials. Television in reality only caters to 30 percent of Indian homes. Doordarshan is the only channel that has some element of public interest and it is not completely market driven. It has therefore become important to package education, information and entertainment for the viewers into one package. Whether it is print or electronic media there is space for the positive which may include women's development issues, environmental issues etc. The greatest need of the hour is to have children's channel as they are spending much time watching the TV.

There is an infirmity in the Cable Law. Under the law there is a satellite, and a channel, which telecasts any programme from outside? The dish receives these programmes. One step that has been taken is the enforcement of the broadcasting code and the advertising code that cable operators will only transmit programmes to homes, which comply with these codes. This applies only to the pay channel. Unless the freedom to air channel violates the broadcasting code or advertising code and subsequently transmits the programme the cable operator is free from any responsibility. Therefore, a fresh look is being given into the provisions of the 1995 Act.

7.5.9 Gender issues and law enforcement

There are two distinct aspects of gender issues, which can be dealt with by media as suggested by the Minister :

- There are two sections of society, women and children, where crime goes on almost unreported. Sexual abuse of children is a serious problem but society puts a lid on the crime. The crime on young children, *paedophilia*, is almost unreported, because a person close to the child is the perpetrator. Similarly, in the case of women, matters which go to the law enforcement agency are not the first time cases. Crimes are only reported when things come to a stage where it cannot be tolerated any more, for example domestic violence or harassment at the work place. The training of the investigating agencies in this area of crime is extremely important.
- There are some areas where society often denies this equality in law because of the mind set. One such law is the Law of inheritance wherein the inheritance of the girl child is in question. This is where the media can play a powerful role in changing the attitude in society. Even individual cases of injustice, if highlighted, have an educative and symbolic value.

In conclusion, the participants called for social responsibility and reiterated that media stories should galvanise society towards progress and empowerment. Media should mould societal opinion in creating awareness and, if necessary, campaign for issues such as exploitation, oppression and degradation of women. There is no doubt that media is the harbinger of social ethos and change and sensitivity to gender issues is a prerequisite. Crimes against women, especially in small towns and rural areas, tend to be suppressed. If NGOs and other socially responsible groups pick up these stories and media highlights them then it would certainly have a strong impact on society. The other important feature that became known was that only committed women journalists cover such issues, not men according to a senior journalist. The participants appealed to the Minister for Information and Broadcasting to stop showing women as models of vulgarity in advertisements or in other programmes viewed by the entire family.

The group noted that in contrast to the unprecedented expansion and development of communications technology, women in media continue to face a number of challenges. Foremost among these challenges is the impact of globalisation in transforming the nature and structure of media from a public trust to private and transnational corporations. Other challenges include a lack of access to decision-making positions in the communications industry and in governing bodies that influence media policy; the stereotyping and negative portrayal of women in the media; the lack of self-regulatory mechanisms and professional codes of conduct; and the use of sexual harassment to hinder women's full participation in the media. The group commended the initiatives of women's groups and women

media practitioners in areas such as media monitoring, increasing women's participation in all forms of media production, training and networking.

Conclusion

In conclusion, the conference noted that in a democracy based on the rule of law, everyone requires a minimum education in law but none more than magistrates and police officers. There is definitely a need to associate officers from other criminal justice agencies at least in some courses for a coordinated action for providing gender justice. A commitment from top-level police officials has to be made towards the training programmes. It would be necessary to have a psychological screening at the induction stage so those attitudes can be corrected. The need of the hour is free and frank exchange of views between various agencies at the grass root level and upwards. We miss good ideas because our minds are not open, as they should be. The more open we are to suggestions the more likely the benefits. By forging partnership, it is actually possible to assimilate what others are saying. With a little practice, it is easy to see how effective this can be and recognise that 'Minds are like parachutes-dangerous if not kept open'-Robert Darrah.

8 GENERAL SUGGESTIONS AND ACTION POINTS

Suggestions and recommendations that emerged during the course of the two-day workshop:-

- It would be appropriate to call the process of attitude change as 'gender workshop'; not gender training so that the process becomes participatory.
- A single training programme per year will not suffice. Like the Pulse Polio Programme it should be a regular ongoing activity with a follow up using charts, posters, case sheets, other training material and books.
- It is necessary to have periodic feed back sessions after training.
- In a democracy based on the rule of law, everyone requires a minimum education in law but some more than others, like the magistrates and police officers.
- Governments, NGOs and academic institutions should develop a gender sensitive curriculum incorporating a holistic human rights based approach which recognizes cultural diversity and balances modern science and technology with local knowledge bases.
- It is necessary to have laws against domestic violence.

8.1 POLICE

- Personnel on duty at the police station should be trained mandatorily for gender sensitisation whether it is a man or woman.
- The government should carry out aggressive publicity for motivating women to join the police force.
- There should be recruitment of civilian women as SPOs (special police officers). It is already being implemented for males and for women in certain states.

- There should be provision for severe punishment if police personnel commit a crime.
- All police recruits should be required to undergo gender awareness training.
- Both women and men need to be gender sensitised even though women subscribe to the view that they are instinctively better sensitised than men.
- It is important to have psychological testing at all entry levels to find out how much self-esteem the candidate has before recruitment.
- Police personnel should learn to communicate with those who approach them for help. Since many are in a severe state of trauma, they may be taught methods of counselling but it is better to leave the area of counselling to professional counsellors from NGOs.
- Police training should reflect on the serious nature of domestic violence and this should be reinforced by the presentation of training units on domestic violence and crisis intervention. Included in this should be active role-plays and simulations to reproduce, as far as possible, real life situations.
- In every collectorate, there should be a vigilance cell for watching and reporting atrocities on women.
- NCW could hold a training workshop annually as part of its activities. The Commission could organise a Training of Trainers workshop. Bringing in NGOs and police officers in that programme could build partnership
- It was suggested that NCW form a core group comprising the Gender Training Institute (GIT), BPR&D and the SVP National Police Academy who should develop a durable training module together.
- In the annual budget of the NCW should be included a head for conducting regional workshops for sensitising the police in the states.
- NCW should monitor the training programmes for gender sensitisation of the police.
- The NCW and the NHRC should persuade the Government to make gender sensitisation at least a budget planned subject.
- NCW and NHRC should monitor the subject of employment of police officers because all deployment of women police personnel should be justified.
- NHRC and the NCW should take up the case of shift system in duties performed at the police station. There is no shift system at present.

8.2 ADMINISTRATORS

- Modules developed for the administrative officers must contain some input about how to interact with other services so that there is some kind of alliance.
- It is necessary to bring about a behavioural change; a change in the mindset in the shortest possible time based on modern systems of management.

- There is need to know what is expected from the training module.
- Need to develop specialised training modules for each segment of administration.
- A component on family life including human value and ethics, parenting should be part of the training module.
- It is necessary to have a psychological screening at the induction stage.
- Women activists should feel free to provide inputs for training courses conducted at the administration training institutes.

8.3 NGOs

- Some statutory powers should be given to the voluntary organisations to summon people for counselling.
- NGOs normally network with police officers but it is important to be on familiar terms with the police stationed at the local police stations in their jurisdiction.
- Gender is not just women and therefore any training intervention cannot be successful unless we look at the relationship between men and women.
- Besides looking at cultural differences, some historical perspective will have to be included in the module.
- It is important to emphasize not only content but also technique of implementation of the module.
- Before preparation of a module, one should know police rules/regulations and the laws of the land.
- The topic on Development Objectives should be sharpened.
- The module should be pilot tested in two or three languages, feed back obtained and then the module may be finalised.
- It is necessary to rethink on certain elements of gender bias in folk songs and folklore. NGOs could initiate action.
- Training modules should be brought out in regional languages and disseminated widely.

8.4 JUDICIAL PERSONNEL

- There is requirement for a large number of women lawyers to help NGOs in bringing about gender justice.
- Under the aegis of the NCW, 12-15 paralegals could be given intensive and extensive training. This could fill the void of lack of practising women lawyers.
- The judiciary needs sensitisation particularly at the lower level, i.e. at the level of the Munsif/Magistrate.
- It is necessary for the courts to be pro-active.

- NCW and the State Commissions may be granted the power to nominate special prosecutors for cases concerning social crime.
- Gender sensitisation for special prosecutors should be carried out under the umbrella of the NCW.
- Counsellors need to play a legitimate role in the criminal justice system. Victims of crime must be provided with some amount of counselling
- Academic learning at law schools is insufficient. Hence, continuing education is necessary. There should be hands on training.
- Laws must be moulded in tune with modern changes in life and society.
- Persons chosen, as judges must visit NGO centres, police stations, short stay homes, observation homes and other such places to study their functioning as part of their training programme.
- Women's movement must demand changes in Civil Law. There is an urgent need to have a Civil Law against domestic violence.

Suggestions made by the participants regarding alteration, additions, and subtractions for the course curriculum for subordinate judiciary.

- Inclusion of chapter on physiology - formation of a child.
- Health hazards faced by women during physiological events like onset of puberty, adolescence, pregnancy, menopause or rape may be included.
- The focus of training should be analysed, specify the bias and correct it.
- Enforcement officers including judicial officers should develop the requisite attitudes.

8.5 MEDIA

- There is need to include gender sensitisation as an inbuilt component in the training programme of the IIMC.
- It is necessary to interact with the proprietors of newspapers and have a sensitisation course for them.
- It is necessary for media organisations to have a certain amount of self-discipline.
- Media stories should galvanize society.
- It is necessary to package a programme with education, information and entertainment. Just a single package with developmental issues may not get a good viewership in view of the low rate of literacy.
- Women need to be covered independently in media in their own right.
- Women who have excelled in leadership, science, medicine, journalism, industry, literature, social work should be covered in media. The media, both print and electronic, should carry positive portrayal of women.

- Certain forms of discrimination of women such as disparity in wages, job promotion and advancement, denial of jobs to women in private sector employment, particularly in rural areas, should be reported. Women activists should then take these up as issues, follow them up, and just not involve themselves only initially.
- Media should take up a sustained campaign on issues such as discrimination or injustice even within the Government. This may take the example of giving important portfolios either to deserving women in the Government or in the Ministries or even frequent transfers of civil servants.
- Visual media, particularly private TV channels, glamorize stories of atrocities on women such as rape, sexual abuse by repeated transmissions for three to four days at a stretch. These should be avoided as it can affect youth and children negatively.
- Women journalists should be committed towards social issues and network for women in their field as well as women outside who need help.
- In order for the activities of the NCW to get publicity and create awareness, it is necessary for a PRO to be posted at the Commission.
- The NCW should examine the Cable Law because the increase in number of cable channels is going to have serious repercussions. Some controls have to be applied. There will be a time when TV will reach homes even without the cable operators because of dual technology.

9. PRESENTATIONS

9.1 Welcome Address : Gender Justice-Forging Partnership with Law Enforcement Agencies

Ms.Vibha Parthasarathi, Chairperson, National Commission for Women

In search of ways to be more effective in pursuing our goal of promoting gender justice and development of women, The National Commission for Women, has been forging partnership and networking with various organisations and agencies engaged in this mission. Towards this, on International Women's Day, was inaugurated a conference, where the CII came together with the NCW to think about strategies for sustained development of women. We have assembled here to discuss ways of forging partnership with law enforcing agencies in order to usher in a culture of gender justice.

What could be more meaningful than to have Justice Ahmadi to inaugurate this workshop? In the course of his brilliant career he strove relentlessly to introduce new values and concepts - gender justice is one of them and thereby he lent most valuable support to the numerous organizations and agencies working in this sensitive area. In a society like ours with deeply entrenched traditions of gender injustice, inequity and inequality, the role of Justice Ahmadi has been pioneering and historic.

Gender sensitization implies a greater responsiveness to the unbalanced power equation between men and women and a heightened receptivity towards a gender-fair value framework. It denotes a complex process of learning, a new socialization, indeed a paradigm shift in attitude which involves a keen understanding of aspects as well as manifestations of gender bias, subtle as well as direct,

both at the level of society and that of various institutions that comprise it. It calls for the difficult task of unlearning traditional modes of thinking and behavior and re-learning a new set of engendered values primarily of equity and dignity for all.

Discrimination, marginalization and non-recognition of the person and identity of woman have, over centuries, become fully institutionalized. Their constricting tentacles have spread through all systems that govern our lives. Any attempt to change is a major challenge where inter-institutional linkages and coordination would certainly help to hasten the process and make it more effective.

Partnership linkages which we intend to set up as the outcome of this workshop are only the beginning of a long road ahead where we would join hands with various ministries, NGOs, the media, the police and administrative personnel, members of judiciary, lawyers and other professionals in order to achieve the various aims and objectives of the National Commission for Women. We hope that the work begun would result in positive achievements, some within the short span of time of this Commission and others in the longer run through future Commissions. What is important is to achieve results. Who does it is of secondary importance. The caravan set in motion must continue its journey.

9.2 Keynote Address

Justice A.M. Ahmadi, former Chief Justice of India

A lot has been said about gender justice in this country. However, words alone do not carry matter to reality. This is a global phenomenon. Immediately after my retirement, I was invited to a gathering of judges in Canada on a concept similar to this one, though titled a little differently and it was interesting to see the attitude of judges, both male and female, participating in this conference from all over Canada. Surprisingly, the attitude was more or less similar as you would find in this country.

I remember when I organised a conference on 'Gender Justice' sometime in 1996, when SAKSHI approached me. I gave a serious thought as to how you can make an impact because you are trying to influence the minds, how subtle it should be because it is really not your aim to indoctrinate. Your effort is to bring about an attitudinal change, which is very important in the minds of those who are the centres of power. When you say forging, you mean that there are several centers of power and bringing about an attitudinal change in the minds of those who are going to operate the various laws was a very important and sensitive matter. After giving a serious thought I decided it would perhaps be better to extend the scope of the conference and make it a regional one, inviting delegations from neighbouring countries like Sri Lanka, Nepal, Bangladesh, Pakistan etc. The second care we took was to ensure that there would not be a reaction and it should not prove to be counter-productive. If the slightest mistake is made and you give out the impression that you are trying to indoctrinate people. The conference worked out quite well and, in fact, the programme is still going on. I understand that the last conference under that aegis was in Sri Lanka only last month or so.

What I was trying to tell you was that when I was attending that conference in Canada, I was trying to see the reaction of the judges, of what one might say the enlightened people, to virtually the same problems which we are facing. Moreover, I did not see much of a difference except perhaps one of degree. What I was able to see perhaps was a little openness as far as India was concerned,

excepting the NGOs perception. When it was proposed that in the next conference the NGOs be invited there was a strong opposition. Why should judges not be able to select NGOs? Fortunately, a few were prepared to accept that limited suggestion to allow these NGOs to participate.

What is important is how do you carry your message to the ground level and ensure its implementation? You have several laws scattered in different statutes. Even if there is no statutory codification, the Commission could undertake, or must have undertaken, I am sure, an exercise to codify all of them into one single paper.

The second question is: how do you forge an alliance"? This is a very important exercise to be undertaken and again a very sensitive one. How are we going to go about achieving it? We have some judicial officers, some police officers here. One of the questions that generally cropped up in the discussions that I used to have with NGOs working in this field was that cases of rape, molestation of women etc. were getting delayed. That was a fact that one could not run away. I was seeing that apart from other cases, the acquittal ratio in these cases was high. It is more than 90%, if I may say so. Sometimes, one wonders why institutions of police and courts are required for only 3, 4 or 5 per cent convictions. That is how it is. I tried to see whether you could improve this justice delivery system to ensure that cases in which offences have really been committed should not go unpunished. When one began to look at it from some depth, one of the reasons I found was the poor quality of the evidence of the prosecutors. A large number of acquittals resulted because of this poor quality and then there was a lot of delay in getting the input for the investigating officers to investigate the crime. The forensic support, which the investigating officer ought to get within a short time, was also missing. I found that was one area, which was not directly within my domain but the other area was within my domain. I thought, would the quality of evidence of the prosecutors improve if the witness is giving evidence before a woman judge and is questioned by a woman public prosecutor? Would she be more forthcoming in giving her evidence as to what really happened to her? Would she also be forthcoming to resist family pressures, which are put on her after the event and come to the court and say exactly what happened to ensure that the culprit does not escape punishment? With that in mind, on an experimental basis, I thought we could start a few courts in Delhi itself, headed by women judges, particularly additional sessions judges and the like and with women public prosecutors and so on. I got a few women public prosecutors and a few judges appointed who would be sitting judges. Now I would like you and I would like the Commission to tell me whether it has made any difference.

Art 14 of the Constitution is the pivotal Article on discrimination or non-discrimination. That is the Article, which talks of equality. The concept of equality is important from the point of view that nobody is given the impression that women must be above men. Our Constitution puts Fundamental Rights and the Directive Principles together. You will find, excepting two from the Universal Declaration of Human Rights, all of them are there in our Constitution. You do not have to look outside, it is very much there. The question is, in these fifty odd years, have we been able to change the attitude of those who are implementing laws to ensure respect for human rights. Sometimes, I used to ask myself, and I ask many of the Government officers and the Governmental agencies here who are dealing with the various subjects: does it ever occur to you that the person standing before you who has come for some work has a certain fundamental right to get that done? Does it ever occur to you that I have a duty towards the person who has a certain fundamental right and to ensure the implementation of that fundamental right? Such an attitudinal change has not come about in all these fifty years.

Therefore, who are the ones who were able to enjoy the fundamental rights? Only those who can go to court and enforce them. Is that what our Constitution makers had envisaged when they provided for fundamental rights that each one would have to rush to the court to get his/her fundamental rights implemented? Therefore, what is important is that an attitudinal change has to come about and this is not easy. Fifty years have passed. The task which you, Madam Parthasarathi and company, are undertaking is a very difficult task and please do not expect results overnight. You will have to make a consistent, persistent effort to bring about that attitudinal change. This is why I wanted to sound a warning bell. There has been recruitment of women in police force. I have always felt that when a new comer joins a certain institution, two things may happen. One is that she falls in line with the police culture. On the other hand, she may revolt. She may say, "No, this is not what I will do". How many will there be who belong to the second category?

As far as judiciary is concerned, I am sure that now women have matured and are coming in large numbers to the profession. Over a period, the number of women judges will increase. One has to take care that they do not fall into the same culture again - when you talk of sensitizing the judicial officers or judiciary.

One thing I would like to mention is the non-availability of women lawyers. There was a similar problem in the labour region in the Ahmedabad courts. We had this problem because there were very few women lawyers working in the labour field. Therefore, there were very few women lawyers practicing on the labour side. One day the SEWA personnel met me when I was a High Court Judge and said, "What can we do about it?" I told them that perhaps a simpler way is to prepare para-legals. So from your Institution, you prepare ten or twelve para-legals, make them excellent lawyers in that particular field because it is a small field. The labour laws say that you can object to the appearance of a lawyer if a lawyer does not represent the other side. When these para-legals enter the field, they could object to the appearance of a lawyer but do not do that, do not bring yourself down. Your attitude must be: you are a match for them. Therefore, you allow them to appear on the condition that they will not ask for adjournments of the case, and if they do, you would withdraw the consent that was given. That worked quite well.

Therefore, perhaps, a few strong para-legals could do the trick for you. Perhaps if you prepare ten, twelve or fifteen or so para-legals under the aegis of the Commission and give intensive and extensive training to them, they could fill the void of scanty practicing lawyers and you may not have that difficulty till the void exists.

So, when you go about this task do not be disappointed when you encounter setbacks. They are bound to be there. There will be hurdles, roadblocks, some of them large enough to break your chassis but please go on and you will succeed.

9.3 Special Address

Smt. Sumitra Mahajan, Minister of State for Women and Child Development

एक बहुत ही आवेक बात यह थी अभी जैसे कहा गया कि कांस्टीट्यूशनल राइट्स भी बहुत मिले, फंडामेंटल राइट्स भी बहुत मिले, फंडामेंटल राइट्स है या और भी प्रकार के हैं, अधिकार हैं, हमारे अपने अपने कर्तव्य भी हैं अपने अपने क्षेत्र में अलग अलग प्रकार से, लेकिन कई बार यह होता है, जिनको अपने अधिकार मालूम होने चाहिए, उन्हें वो मालूम नहीं होते हैं और जिनको अपने कर्तव्य निभाने चाहिए, कभी कभी उससे भी वो परे हट जाते हैं। गड़बड़ वहीं से शुरू हो जाती है और इसलिए अलग अलग प्रकार के कानून बने, अलग अलग प्रकार की सहूलियतें दी गईं, अपेक्षाएं की गईं, हिन्दुस्तान में स्त्री

का सम्मान यह कोई वैसे नई बात नहीं है, लेकिन कुछ बीच में ऐसे साल गुजरे, जब ऐसा लगा कि हुए लोग हैं, इसलिए कई बार जो छोटे छोटे अनुभव आए हैं, वही केवल बताना चाहूंगी कि आज की तारीख में यह विषय रख कर और इस पर चर्चा करने की जो आवयकता महसूस हो गई, जैसा मैंने कहा कानून तो अलग अलग बने हैं, लेकिन कहीं न कहीं उस कानून तक पहुंचने में सामान्य से सामान्य व्यक्ति को एक भय सा महसूस होता है। न्याय मिलेगा कि नहीं मिलेगा या कभी कभी तो यह लगता है, क्योंकि जस्टिस डिलेड-जस्टिस डिनाइड, यह भी एक बात कही जाती है। इसलिए न्याय मिलेगा यही भावना ज्यादा सामान्य व्यक्तियों में दिखती है। इस बात का विचार होना आवयक है कि ऐसा क्यों होता है।

एक बात और आवयक विचारणीय है क्योंकि मुझे कहा गया है कि प्रशासनिक क्षेत्र के अधिकारी भी आए हुए हैं, पुलिस विभाग के भी अधिकारी आए हुए हैं, ऐसा क्यों होने लगा कि अगर कोई अपराध होता है या सामने अपराध घटित होता है तो उसकी जानकारी देने के लिए पुलिस स्टेशन जाने से भी व्यक्ति घबराने लगा है। या मैं यूं भी कहूं, यह भी एक सोचने की बात है, ऐसा क्यों होने लगा, मैं एक छोटा सा और बिल्कुल सही उदाहरण दे रही हूं। जब हम छोटे थे खेलने कूदने के लिए बाहर जाते थे तो माँ हमें बताया करती थी कि बेटा जल्दी वापिस आना, ये वाक्य आज भी हैं कि जल्दी वापिस आना, अंधेरे से पहले घर आना, लेकिन उस समय एक बात और भी जोड़ती थी कि अगर देर हो जाए तो गली कूचे से निकलोगी तो जरा देख लेना, पुलिस वाला खड़ा होगा, उसको बोल देना वो तुमको पार करा देगा, अंधेरी गली, वह बोलती थी, मुझे याद है। आज आप ही लोग बैठे हो, बताइए, इसका रिवर्स डायरेक्शन दी जाती है, हो सकता है। मेरी लड़की को अगर आने में देर हो जाए तो देखना कि उस गली से मत गुजरना जहां कोई पुलिस वाला खड़ा हो, क्या ऐसी भावनाएं तो पैदा नहीं हो रही हैं। यह देखना पड़ेगा। और यह लगता है कि आज विचारणीय बात हो गई है और इसलिए यह क्यों होता है, कहीं न कहीं भाव यह हो गया जैसे अभी बात जो उठाई थी कि अगर स्त्री जजेज रहें तो वो ज्यादा सोचेंगी, मैं कहूंगा कि यह नहीं है, मातृत्व का जो भाव है न, वो पुरुषों में भी होता है, जरूरी नहीं है कि स्त्रियों में ही होता है, मगर इससे भी ऊपर उठकर एक बात सोचना पड़ेगी कि हम कानून बहुत सारे बनाते हैं, नियम बहुत सारे बनाए हुए हैं, लेकिन यह कानून, नियम जो बनाए हुए हैं, ये मनुष्य की मदद के लिए हैं, मनुष्य के विकास के लिए हैं, मानवता की स्थापना के लिए हैं, यह जो मूल भाव है और कोई किरण बेदी जब उसको समझ लेती है, तब वो बहुत कुछ चमत्कार करके दिखा सकती है, दिखा रही है। और इसी की ज्यादा से ज्यादा आवयकता है। तो कहीं न कहीं आपसी चर्चा, आपसी सामंजस्य और यह केवल एक भाव, इस भाव को अगर हम ज्यादा से ज्यादा चर्चा करके, बैठकर के कोर्स करें कि यह जो भी कुछ काम हम कर रहे हैं, यह कहीं न कहीं मानवता की स्थापना के लिए, मनुष्य के विकास के लिए, उसमें मदद करने के लिए हम कर रहे हैं, तो मुझे लगता है कि आज की यह चर्चा, दो दिन जो हम करेंगे, वो ज्यादा सार्थक इस दिनांक में अगर करेंगे, तो हो जाएगी, बाकी जो बहुत सारी बातें यहां कही गई हैं, मैं उनको यूं ही रिपीट नहीं करना चाहती। क्योंकि मेरी अपनी भूमिका मुझे इतनी ही लगती है सरकार के नाते कहूंगी या मंत्री के नाते मैं चाहूंगी कि आप लोगों से जो जो सुझाव आएंगे कि किस तरीके से, क्योंकि हमारी अनेक योजनाएं रहती हैं या कानून बनाते समय भी हम किस प्रकार से विचार करें, इंप्लीमेंटेशन के लिए भी हम किस प्रकार से विचार करें, योजनाएं जो हैं, उन परियोजनाओं में, प्रोजेक्ट्स में अगर कहीं गैप हैं, उसको कैसे भरें, ये सभी जो आप जैसे लोग जो काम कर रहे हैं अलग अलग क्षेत्रों में, उन्हीं से हम चाहेंगे कि वो सुझाव, और अगर आपसे ही वो सुझाव आ जाते हैं तो मुझे लगता है कि हम कुछ कहें कि ऐसा होना चाहिए के बजाए आप से जो वास्तविक काम कर रहे हैं, अगर उनसे वो सुझाव आता है और फिर अगर हम वो कहेंगे कि हां इस प्रकार का बदलाव होना चाहिए या इस प्रकार का परिवर्तन होना चाहिए, तो वो ज्यादा परिणाम और प्रभाव दिखाएंगे और इसलिए मैं बहुत कुछ नहीं बोलूंगी, मैं तो केवल दो दिन बात जो रिपोर्ट आएगी, दो दिन के सेमिनार की, मैं इतना जरूर कहूंगी कि जो भी यह रिपोर्ट आएगी, वो केवल रिपोर्ट की तरह कागजों में समेट कर नहीं रखेंगे, क्योंकि विमन कमीशन और हम साथ साथ काम करते हैं, जो भी कुछ उनकी रिपोर्ट आती है, बाद में वो पार्लियामेंट तक पहुंचाना यह जो काम हमें करना है यह जागरूकता से होगा और इतना जरूर कहूंगी कि यह जो प्रोसेस स्टार्ट हो गया है, यह केवल यहीं रुकेगी नहीं। मैंने जिस दिन से यह विभाग संभाला है, मैंने भी एक पुरुषात्वात् की है कि अलग अलग विभागों की अलग अलग परियोजनाएं महिलाओं के उत्थान के लिए चल रहे हैं, क्यों नहीं आ रहे हैं, क्या बदल होनी चाहिए, कैसे कर सकते? इसके लिए हमने एक टास्कफोर्स गठित करने का भी विचार किया है। यानी इस रूप में हमने सोचना शुरू कर दिया है तो कहीं न कहीं इसके अच्छे परिणाम भी सामने जाएंगे, आपके जो सजेसिंस आएंगे, उन पर ठीक तरीके से विचार होगा, इतना ही जरूर मैं यहां पर कहना चाहूंगी।

9.4 Valedictory Address

Shri Arun Jaitley, Minister for Information and Broadcasting

While appreciating all the grievances that you have, I think let us realise the hard reality of today. What is it that you can do in the case of media? First, let us be clear about the legal framework India today has a written Constitution. The most pre-eminent right given to you by the Constitution is free expression. Now the free expression has two components-one is media's right to inform you, they have the right to write and you have your own right to information and knowledge.

In the context of this written Constitution, the extent to which the State can interfere in that right is almost negligible. In fact, the dangerous consequences of allowing the State to interfere are too many. Our first Prime Minister used to say, "if I have a choice between an irresponsible press and a controlled press, I would rather live with an irresponsible one because living with a controlled press is far more dangerous". In the exercise of this right in a democracy, there are some aberrations in the media, but then the media itself can correct those aberrations.

There was a reference to the glorification of certain gender aspects related to the advertisements. Let us start with the very concept of advertisement. What is an advertisement? It is the promotion of business. Advertisement is not the promotion of free expression. It is more linked to the right to trade, right to commerce, right to business or right to industry. This is the view which our laws and courts have taken.

About four or five years ago, the courts had evolved the principle that commercial speech or advertisement is also free expression. Therefore, the protection, which is given to social or political speech, is also available to commercial speech. The laws of the land regulate advertisements. There are several laws in place. For instance, there is the Prevention of Indecent Representation of Women Act. There are laws relating to obscenity.

Here I somewhat disagree with some of the observations made. While there are shortcomings, I still feel that in India both the print and electronic media are free from rogue newspapers and rogue channels. We still do not have those crude obscenities which have crept into other parts of the world.

You are complaining that causes taken up by the National Commission for Women are not getting enough space in the media. What is getting space? The pull out section of each newspaper today is throwing up a new class of social climbers, who are becoming role models in the society. So, instead of issues of concern, if you take out the third page of every pull out section, there is a new class of role model being created, role models not identified with issues, role models not identified with what changes they can bring in society. I can understand a role model, which is the leader of an industry, leader of academics or the leader of a social campaign. Nevertheless, these are all glamour oriented or social oriented people. They are also finding interesting labels to get into the third page. For instance, Delhi has more AIDS activists than AIDS patients, because it is an easy way of getting into the third page of the newspaper or pull out section. These are serious problems of the media which are taking place but how do we check all this?

We are entering an era of multi media. With advanced technologies, the print media will take a back seat. It is going to be television, it is going to be the internet and these are avenues where, let alone whether censorship is desired or not, with the technological improvement it is not just possible.

Ultimately, the solution suggested the world over is to have an extensive debate among the media organizations to have a certain element of self-discipline as that is the only route which can check this. It is difficult. Well, you have said television and newspapers are market driven. I asked the newspaper proprietors, what are the virtues of these pull out sections that you have started. They say, we sell what people want to buy. It is the age-old debate as to whether you can change the public mores or you have to respond to the public mores. There has never been an answer to this.

In all broadcasting you must first get viewers. Rightly or wrongly, entertainment has become the driver of all this. So when people make constructive suggestions for all those new channels, in fact there is double speak in society. The only channel that promotes all this quality, which has a much larger element of public service broadcasting, is still Doordarshan.

The three principal objectives of the electronic media are education, information and entertainment. Once you are going to package your program on let us say, health issues, development issues, women's issues and environmental issues, as a part of the larger packaging, you will still get viewership. If you just do one packaging with developmental issues, I am not so sure of competing when there is plurality available, when there are 60 channels available for one to choose.

Today, we must develop a possible solution to this institution of public service broadcasting, which means the issues of information and education, must be available to you. Take BBC for example. BBC does not have a single advertisement. In BBC program, nobody would find any projection which is either obscene or crude. You have the Discovery Channel. I think the first channel that you require in India today is the children's channel. Because, if the child spends 3 to 4 hours in front of a television, there has to be a children's channel, which can take up this entire concentration. Otherwise, they would be busy with programmes which are film-based programs coming in other channels. BBC has issues of social concern, it has issues of environment, and it has issues of news. It may be that the issues may be slightly different in our country.

However, then, BBC has one great advantage. It is shown primarily in a country where there is a very high literacy rate; the economy is much better. It is surviving entirely without advertising by just charging a license fee. Every house in England pays the BBC subscription of 99 pound sterling a year. The entire channel of public education, information and entertainment content with such high viewership survives just with 99 pound sterling a year, which it gets from every house.

We cannot do that in India for the reason that television today is reaching only 30 per cent of Indian homes. It is a powerful medium of education and you have to make sure that it reaches many more. If it reaches many more, in a country where 30 per cent of the people are still below poverty line, you cannot persuade them to pay much more money in order to see television.

There are just two or three issues, which I wish to touch upon before I conclude. We have ignored the law enforcement part. There are two distinct aspects of gender issues and law enforcement. There are two sections of the society in India, women and children, where crime goes on, almost unreported in the case of children and heavily under reported in the case of women. You have sexual abuse of children, which is a very serious problem. The emphasis of the society is to keep the cover, keep the lid on the crime. The crime on young children which is pedophilia, is almost unreported the world over. It is only the rarest case that goes out because the perpetrator of that

crime is normally a family member or somebody close to the family who has access to the child. Similarly, in the case of women, often, matters, which go to law enforcement agencies, are normally not the first case of oppression. It could be domestic violence, it could be harassment in the place of work, and it is normally reported only when things come to a pass that reportage has to be done by the crime journalist or reporter. Therefore, the training of our investigating agencies in the area of this crime is extremely important.

As far as media is concerned, on gender issues there are two basic problems. There are some areas where even the law has not provided for adequate equality. There are a large number of areas where there is adequate protection and equality provided by law. Society deprives that equality because the mindset of the society has still not changed. The favourite example, which I give at every place, is the law of inheritance. This is one area where law has provided equality largely. In actual practice, what would be the percentage of cases where equality in the matter of inheritance to the girl child has been achieved? This is where the mind set comes in. This is an area where, as the educator of public opinion, media can play a powerful role. I think in changing the mind set, in changing the attitude in society, the media has a very powerful role. It is certainly important to point out individual instances of injustice because, although they are symbolic, they have a value of their own, and they have an educative value.

There is one infirmity in our cable law. Under our cable law, you have a satellite channel, which will telecast live from outside India almost anything. Your dishes will receive them. From the dish to our house, the cable operator does it. One legal method which has been managed is to have a broadcasting code and advertising code that cable operators will transmit only such programmes to the houses which comply with these codes. This is the position, which exists under the 1995 Act. We are seriously examining this. I would request the NCW also to deliberate on this, because it is going to have very serious repercussions, as the number of channels is going to increase. The more serious issues is going to be when dual technology is developed and you can reach houses even without cable operators.

When newer technologies develop, ultimately it will be the element of self-restraint by the media organisations, and not censorship, because technology would defy all forms of censorship.

10. PAPERS

10.1 RATIONALE OF THE WORKSHOP

Poornima Advani Member, National Commission for Women

My brief today for the purposes of this talk is the rationale behind schemes for forging partnership, but besides that I also intend to cover: where do we stand today? My intention is to open a plethora of discussions, which could lead the question: where should we move from here?

The law enforcing agencies are the gatekeepers of justice delivery system and they enjoy wide discretion. Their lax or differential enforcement responses and the fear instilled in the victims deny most women the access to justice. Callous or harsh responses generate reluctance amongst women to turn to these agencies for help and, in turn, damages the image of these machineries as the protectors of society.

It is well known that, as victims of sexual assault, women suffer from a sense of shame and guilt. Above all there is the fear of being humiliated further, abandoned, traumatized, or stigmatized, call it by whatever terminology one may please.

In the field of gender sensitization of various agencies, governmental and non-governmental, much has been done but much more needs to be done. I may here recall that even as far back as 1975, the Rajya Sabha had taken notice of the enhanced violence against women and passed a Resolution thus:

"Expressing its deep concern over increased incidence of rape, molestation, abduction, kidnapping and atrocities being committed on women in various parts of the country even within the portals of protection and emphasizing the need of safeguarding their dignity.."-the key word is "Dignity"-
"the House urges upon the Government to take immediate steps to revamp the police and legal machinery to ensure that our laws respect the principle of equality, that the judiciary should decide such cases within a period of six months, that the police administration should be re-oriented and re-organized so that the police can help the victims of crime and that women organizations and women members of legislature should closely assist in making and implementing laws relating to women".

This was 1975. Today, a quarter of a century later, well may we ask: where do we stand now? Revamping the police and legal machinery? Yes, the efforts are on.

Working for women in civil services, the Department of Personnel and Training (DOPT) jointly with United Nations Development Program (UNDP) has developed a capacity-building project for civil services. DOPT has introduced special provisions for women in Central services, like relaxation of age-limits for widows, women separated from their husbands, exemption from requirement of educational qualifications in respect of widows of deceased Government servants, employment on compassionate grounds to posts of peers, guidelines for posting of husband and wife at the same station, maternity and paternity leave benefits, guidelines for provision of day-care facilities for working women, allowing cadre change in respect of members of All India Services on the ground of marriage and creation of harassment-free environment by issuing guidelines on dealing with cases of sexual harassment. The Fifth Pay Commission has in fact broken new ground by suggesting possibilities like career grades, flexi-time, combining the leave of husband and wife by creating an earned leave bank which could be used by both, and other progressive measures. However, the representation of women in the three All India Services, IAS, IPS and IFS, as on 1.1.99 was hardly 10.45%, 3.44% and 3.18% respectively. We still have a long way to go.

Home Ministry has suggested wider recruitment of women in police, employment of woman police officers for dealing with crimes against women, special courts for women in each district. It has also proposed that cases of rape should be handled by a court presided over by a woman magistrate. It has been suggested that investigation should be conducted at the residence of the affected woman, that too by a woman police officer and if the victim is less than 16 years of age, she should be questioned only in the presence of parents/relatives. Medical examination of rape victims should preferably be conducted by female medical practitioners.

The Ministry of Social Justice and Empowerment has launched various schemes, like the scheme for Special Educational Development, Program for Scheduled Caste girls belonging to low

literacy brackets, etc. Still, in areas like Muzaffarpur, Hazaribagh, Madhuban, Gaya, Darbhanga, Gopalganj in Bihar, the literacy rate amongst females is only 1.5%. In parts of Madhya Pradesh, it is 1.2%; in a place called Sidloo, it is 0.5%. Schemes for special hostels for scheduled caste and OBC girls have been launched. There is a scheme called **Swarnima**, in which special concession is given to OBC women for obtaining loans.

The Department of Women and Child Development has undertaken various programmes for women victims of violence. For example, rehabilitation of women and girls who are in danger has been introduced. As of 1997, there were 361 short stay homes providing services to 10,830 women. There are about 280 observation homes, 251 juvenile homes, 36 special homes, and 46 aftercare homes, which maintain about 32,000 inmates within the country. Yet, the facilities are not enough. However heartening the figures may seem, much needs to be done due to the conditions prevailing in the country at present.

Protective Homes and corrective institutions are set up under Immoral Traffic (Prevention) Act. About 400 family counselling centers are there in the country to provide preventive and rehabilitative measures to the affected. The Department of WCD as the nodal agency has support structures like the National Institute of Public Cooperation and Child Development (NIPCCD), the Central Social Welfare Board, etc.

The Government of India enacted the Family Courts Act in 1984 for establishment of Family Courts for quick redress to broken homes. The latest report is that on the International Women's Day, i.e. 8th March 2000, the Union Government has approved creation of 15 more Family Courts in the National Capital Territory and sanctioned 15 posts of judges and supporting staff.

The National Commission for Women has taken the initiative of organizing **Parivarik Mahila Lok Adalats** (PMLA) through local NGOs which has proved to be a successful supplementary avenue, thus reducing the work load on the District Legal Aid and Advisory Boards (DLAAB), which are constituted to coordinate free legal services and Local Adalats within their districts. The objective of the PMLA has been to provide speedy justice to women, generate awareness amongst the public regarding conciliatory modes of dispute settlement, to gear up the process of organizing Lok Adalats, to encourage public to settle their disputes outside the cumbersome formal set up of courts and to empower public, specially women, to participate in the justice delivery mechanism.

Yet, even with all these measures taken and some in the offing, the statistics of crime against women reveal a most dismal picture. I am reading out to you the first paragraph of Rashtriya Mahila, of February, 2000:

"Everyday, almost every six hours, somewhere at some place in India a young married woman is being burnt alive or beaten to death or being pushed to commit suicide. The number of cases may vary from State to State but what remains constant is the sordid story of inhuman torture and brutality that invariably provides the backdrop to the macabre drama that has by now become routine".

We have a hard task ahead, but with the cooperation of all of you I do hope we will move ahead towards our goal with greater dedication and determination till we can hold our heads high and say: We have achieved something.

10.2 INTERNATIONAL POLICIES AND GENDER

Rani Jethmalani Advocate, Supreme Court

I want to preface whatever I have to say by saying that we do need a large number of women lawyers to try and help all the NGOs that are doing so much work in bringing about gender justice in this country. There is quite a lack in this particular area. Most of the NGOs do feel that they are handicapped because they do not have sufficient number of women lawyers aiding and assisting them. I think the NCW and NHRC as well as the Ministries should do something about this. I find that the students, who are coming out from the National Law School, prefer to go into corporate law rather than into human rights advocacy.

The year 2000 began very auspiciously because it does appear the word "gender justice" has received some amount of internalization in Government and bureaucratic thinking as well as the policies that are now being enacted. Recently, we saw that gender justice was reflected in the Union Budget. In addition to that was the Government's National Population Policy which also was a part of the various expressions and articulations that have been made at various international conferences culminating in Cairo in 1994 where the International Women's Global Health Movement made a passionate plea that reproductive human rights should be linked with health care and the whole idea of incentives and disincentives needs to be reviewed.

India has been a signatory to most of the UN conventions, beginning with the UN Charter. The Convention on Elimination of all forms of Discrimination Against Women (CEDAW) was signed in 1979 but ratified only as late as 1993. At the Vienna Convention of Human Rights, when the international fraternity met, India's commitment was made to the CEDAW, which, as most of you know, is the international charter of human rights for women. So two major conventions have been ratified and hosts of other minor conventions do find reflection in our domestic laws. There are several conventions. Over the last hundred years and especially after the UN came into existence since 1945, we have at least twenty conventions, which are specifically aimed at women. Of these conventions, most of them deal with protecting women and some with corrective approach, which try to redress inequality. In addition, the third kind of conventions are gender neutral which try to advance human rights agenda for women.

India has ratified the CEDAW with a declaration and a reservation. There are two important conventions that India has not completely acceded to but its policy intents are very clear and extremely specific and unequivocal that we do ratify these conventions. However, about Art 16(1) of the convention, India's declaration to the CEDAW states that we will not change the personal laws of a community unless there are initiatives taken by the community itself. Then the Government will intervene and change these particular laws which are discriminatory, whether they are Hindu, Christian or Muslim laws, as all of them are unequal and have a gender bias in them.

Another important development is The Protection of Human Rights Act, 1993 which, of course, excludes the application of CEDAW but human rights have been defined as rights of life, liberty and dignity, as well as the two international conventions that I just mentioned to you. These are now enforceable provisions in courts of law and the National Human Rights Commission as well as the National Commission for Women must take judicial notice of this fact that once having signed these conventions and the fact that the Supreme Court has now lent its absolute endorsement as international

treaties that we will be bound by, even if the State does not enact legislation to bring these treaties into the domestic domain, by virtue of the fact that these treaties exist and we are signatories to these treaties, the courts will continue to act upon them.

No longer can Governments remain unaccountable, unchecked and impervious to their international commitments and pronouncements. These are extremely important developments and our representatives, both at the 42nd and the 43rd General Assembly meetings of the Committee on Status of Women, have endorsed the Beijing Platform of Action to integrate and gender mainstream women in all aspects of decision making. The Women's Reservation Bill is a very powerful tool to bring this into effect because we already have one million women now coming into the public fold through the Panchayati Raj Bills and if the Women's Reservation Bill goes through in Parliament, we will have at least 180 women coming into Parliament. These are not token gestures because every woman who comes will be an emblem and a symbol of a role model and empower other women to come into public life, decision making and there can be no empowerment, there can be no achievement of our goals of having equality in the Constitution as well as gender justice unless we have women who are in control of their lives and their autonomy. Therefore, these are extremely important and significant developments at the National level.

10.3 POLICE PERSONNEL AND GENDER SENSITISATION

G.U.G. Sastry, Assistant Director, SVP.National Police Academy

When we talk of gender justice, the first thing that comes to our mind is gender equality. Our Constitution provides for gender equality, equality of status and opportunity to all citizens of the country. Articles 14, 15 and 16 specifically relate to gender equality. However, the need for gender equality arises not because of these Constitutional provisions but because of the fact that this is crucial to the development of the country.

I would briefly like to touch upon some factors, which have been propelling countries all over the world towards gender equality. There is awareness among the people of advanced countries of gender roles; increasing awareness among women of their rights and about their subjugation; exploitation for centuries by male-dominated and patriarchal societies; influence of feminist writings and efforts made by women's organizations, improvement of educational levels of women; women joining all types of jobs and performing equally well and sometimes better than their male counterparts. All the above factors have highlighted the necessity to attain gender equality as the ideal of a good society.

However, the scenario in our country is altogether different. Women are not only relegated to secondary positions but are harassed and ill treated.

The increase in violence against women, the delays in investigation of cases, the perfunctory nature of investigation and delay in the disposal of cases, all point to the urgent need for sensitizing law enforcing officials on this issue.

There are other reasons too for the need to sensitize the police officers on this issue. The concept of gender is grossly misunderstood by a large majority of police officers and there is lack of awareness and appreciation of the prevailing gender inequalities among police officers in the country. In fact, the cult of masculinity prevailing in the department makes police officers to hold onto certain stereotypes about sexual violence and harassment.

I would briefly narrate them as :

- Rape is victim precipitated. Women ask for rape or sexual violence by provocative mode of dress and behaviour or by going out after dark or going to shady and lonely places.
- Women sub-consciously desire rape and cry rape only when they are caught.
- Rape cannot occur if a woman resists.
- Women's place is at home and if they go out they must take what comes in their way.
- Sexual harassment in work place and eve teasing are fun and women enjoy it.
- Male sexuality is an uncontrollable force and women should not arouse it.

These very unfortunate stereotypes make police officers respond in a standard pattern. This includes: -

- The initial complaint is disbelieved and action is contemplated only after value judgement as to whether the woman deserves appropriate police response.
- The woman is discouraged from pursuing a complaint.
- Intensive bullying, callous interrogation and aggressive and sexist questioning by the police officers.
- The medical examination is delayed and conducted in unpleasant and threatening surroundings.
- The victim is not supplied with basic information about her legitimate rights and support services available to her.

Then there are other stereotypes covering domestic violence e.g:

- Family is a private place where men have some legitimate rights.
- Husband has a marital right to discipline his wife.
- Women are irrational, nagging and provoke men.
- Only the poor, uneducated and alcoholic males are violent toward their wives.
- Women who deviate from feminine roles of mother and wife warrant discipline.

These are some unfortunate beliefs which many police officers hold and they react to situations accordingly.

I would like to describe some research findings of a study on gender issues in policing conducted by two officers of the National Police Academy. They conducted a survey in Andhra Pradesh and Uttar Pradesh about the opinions that the male police officers hold of women police officers working in the police department. The opinions that emerged are as follows :-

- There is no need to integrate women into the mainstream of policing.
- Women police personnel should be given specific tasks related to women and children but not integrated into the mainstream.

- Women are not enthusiastic or career-oriented about their jobs.
- Women may work as cooks in the police messes but not otherwise.
- Women should only escort women prisoners and not male prisoners.
- Women should not be engaged in operations against militants, extremists and insurgents.
- Women need to be given special training to bring them on par with men, implying thereby that at present they are quite inferior or incapable of undertaking their job.

The curriculum should include :

- Legal provisions and latest decisions concerning crime against women.
- Gender bias in law enforcement. Again officers should be made aware of how biased they can be in their thinking about gender roles and the kind of bias that takes place in enforcement of justice. The research findings can be brought to their notice and they can be made more sensitive and aware about these issues.
- Investigation of cases relating to crime against women, the need for effective coordination with other agencies of criminal justice system.
- Empowerment of women.
- Role of developmental agencies in providing gender justice. We feel that the officers belonging to the IPS should not only be concerned with the law enforcement aspects but should also be given a minimum level of exposure as to how women can be empowered, role of various developmental organizations in the empowerment of women.

The various gender issues in police administration relate to how the women police personnel in the department are being utilized. At present whatever number of women police officers and constables are available in the department, they are grossly under-utilized. They are only being put to routine duties and they are not being allowed to be brought into the mainstream of policing. They do not investigate important cases.

Next would be various in-service courses for senior officers. This course is for **SPs; senior police officers** that are in-charge of districts and are in a position to sensitize subordinate officers. Again, for different levels, we suggest different inputs, namely: -

- Concept of gender and gender perception exercises.
- Dimension and extent of violence against women.
- Investigation of cases relating to violence against women, need for effective coordination with other agencies of criminal law justice system.
- Gender issues in policing. The gender issues would not only involve gender bias but also how to use the woman police personnel working in the department.
- Strategies to make lower level police officers more gender sensitive.

Therefore, this is an important part of training for the SP level officers. They can conduct some sensitization courses for the lower level functionaries in their districts with the resources and infrastructure available with them.

The next one would be for the level II senior course, for the **level of DIGs of Police**. This can be a one-day module and can contain the following topics: -

- Gender concept, a historical and contemporary perspective of gender inequalities.
- Gender issues in policing.
- Gender justice - need for effective coordination amongst criminal justice agencies.

As we address the senior levels, the modules can be more in the form of interaction and discussions, exchange of ideas, in the form of panel discussions. The level III course for **IGs** can be half-day module. The duration of level III course is only one week, that is seven working days. Therefore, in that we can have a half-day module for senior officers. This would cover:

- The concept of gender and extent of gender inequality in the country and in the police department in particular.
- Gender sensitive policy making. These officers are at the policy making level, so they should discuss how they can make the police officers function in a more gender sensitive manner.

Thus, there are various modules suggested for senior police officers. Coming to the lower level functionaries, we can have separate training modules for the constabulary and the investigating officers, that is SHOs and Sub-Inspectors of Police.

With regard to **constables**, we can have the modules conducted in the local language in the police training centers of the various States and if that is not possible, the modules can even be conducted by the SPs in the districts with the available resources. It can be a one-day module in a course, which can integrate several other aspects such as human rights perspective, and we can train them on the latest advances in policing and various other aspects. The inputs would include:

- Gender concept and gender inequality, the basic idea about gender concept and the extent of violence against women in the country.
- How to behave with women complainants as well as with woman police because they will be interacting with the victims on a day to day basis.

Finally, for the module for **SIs and SHOs** who have to investigate various cases of violence against women, we can have a four day module in which they can be more focussed on how to investigate cases of violence against women. Apart from the initial inputs such as gender concept and gender inequality, important inputs like different types of violence against women, a very detailed account of them and how to proceed in those cases, method of investigation, how evidence including oral evidence should be collected and processed should be covered.

The treatment of victims/complainants by the SI and station staff should bear a psychological perspective, how to understand the psychology of the victim/complainants, how to treat them and how to deal with them.

Then, the need for effective interaction with the prosecuting staff and magistracy for successful investigation and prosecution of cases relating to violence against women.

One important aspect of the investigation in cases relating to violence against women is the abnormal delay in the investigation of the cases. Not only that, in trial of cases, a large number of matters continue to be under trial for a very long period and many end up in acquittals due to imperfect and delayed investigation and also because of lack of sensitization on the part of the lower level judicial officers sometimes on this issue. In this module, we can have some magistrates and the prosecution staff along with SHOs and SIs for their input.

Finally, the problem of women constables and how to deal with them needs to be addressed. With the large recruitment that is taking place newly recruited women police constables have to work in police stations and many a time under male officers. As already stated these women constables are allotted routine duties such as attending to telephones and doing some other written work. The concept that is now gaining importance is mainstreaming of these women constables and officers. They should use the women officers in a much more effective manner to put them on investigation of cases and various important duties of policing.

10.4 ADMINISTRATIVE PERSONNEL AND GENDER SENSITISATION

Geeta Mishra Executive Director, Lal Bahadur Shastri National Academy Of Administration

The Lal Bahadur Shastri Academy is the apex training Institute for the IAS and other Central and All-India Service Officers. As soon as they clear the UPSC examination, the Academy holds the first foundation course to induct them into bureaucracy. At that juncture, their training begins which includes modules on gender sensitization. After the foundation course is over, the Central Services people leave the Academy and Phase I of IAS probationers starts. Here the academic input is imparted and after that, they go for the district training. Thereafter the IAS probationers come for the Phase II course. After training for two years, they are sent to the States for their further posting. The Academy also has in-service training programs for senior officers of 6-9 years service, 10-16 years and 17-20 years seniority. These are workshop kind of modules. In addition, we have some induction courses for the State Government officers who are promoted to the Select List of IAS.

In the Academy, we have a specialized unit, National Gender Center for training, planning and research. Incidentally, it is called GSU-Gender Study Unit, but this became a Society one year back and now it is called National Gender Center for Training, Planning and Research. The main functions of the Gender Center are to impart training to the officers of the Academy. We help to develop modules for the other academies also. We are the resource center for all kinds of information regarding gender issues. We do research also in some cases. This is an autonomous body. It is a collaborative effort of Government of India, Department of Personnel and LBSNAA.

How did we become involved in gender training as an Academy? We found that even after fifty years of planned development, the impact of training was not as much as it was expected. One of the reasons was that our development was slow. We were dependent upon 50% of the population who were mostly illiterate and marginalised. They are the women. If they are to be partners in development, we have to do something for them; we have to introduce certain policies so that they can help us in the developmental programmes. So long as women are marginalised, they are not going to participate in

the economic activity or even if they do participate, much importance is not being given to their work. So the administrators are being told to look at the drawbacks.

We have developed some modules. They are small modules regarding gender sensitization. We use a combination of these modules to suit different projects, faculties and levels. We have class room discussions and presentations. We have informal meetings; group discussions and we use many films also, like the women in panchayati raj. Then we hold group and panel discussions. All these form part of the fundamental course.

The biggest contribution of the Academy in the field of gender training has been development of five important modules-regarding forestry, education, panchayati raj, violence and education. These modules were developed in association with universities and major NGOs. Now they have been introduced in our ATIs, our training centers at the State level.

In these modules, we have intensive courses. It is almost a five-week course in which we hold group discussions. We get the responses and then we introduce some modules. They are discussed, and then they are introduced in the field. Later, according to the feedback, we keep on modifying them.

10.5 GENDER SENSITISATION AND NGOS

Madhumita Sarkar, Senior Training Manager, Gender Training Institute

The NGOs can form a good partnership; they can be the media through which the common people could reach the law enforcement agencies. That is the most effective way of forging this partnership. When people come to us we do a certain degree of counselling, we have tried to develop a good rapport with the police and then we come to a certain understanding so that at least some of the issues get addressed. At our center, we receive cases, which bring out the gender insensitivity of the police system but not all is lost and it would be unfair to blame them. As someone mentioned here, police are very much a part of the system; they are a reflection of what is happening in society. It is important to understand that they are also born and brought up in the same society with all its faults and fancies, right from childhood till they have grown up, the different institutions of socialization which have formed their behavior and attitude. Every such institution needs to be addressed if we really want to sensitize the law enforcers.

Here I would like to bring up some of the perceptions that the police have of violence against women, some of the cases that we have dealt with. From here, I will try to build as to how we should frame our module. I would try to talk a bit laterally as to how we build our modules through cases. I will discuss three cases; one is of Asha, a nineteen-year-old girl who was raped in Mehrauli. She went to the police station to lodge FIR. The police did not pay any heed to her complaint and refused to lodge the FIR. The investigation officer said: "Physical relationship of a woman becomes a rape when it comes to the notice of the family members and she is pressurized to lodge the FIR as a revenge". He further said: "This is a method adopted by women to extract huge sums of money".

The next case is of domestic violence, which came to us. What the police said is very interesting. They said: "the husband has a right to beat his wife. I also beat my wife occasionally". It is amazing that the statistics record that more than 40% of women in India face domestic violence

and this crime cuts across economic condition, class and caste. It is prevalent in all strata of society and is an issue that needs to be addressed in depth. It is not true that if you are educated, you are not beaten or that if the male is educated, he does not beat his wife. All these factors need to be studied.

The third case was a case of kidnapping, which came to us. The girl was fourteen years old and it was assumed that she eloped and was not kidnapped. They said: "these girls just don't inform their parents that they are having an affair, they just run away one fine day and it is the police that is having this extra burden of looking into these so-called crimes".

When we talk about gender, it is about women and men, it is the relationship between women and men. In addition, we cannot talk of relationship between women and men if we look at women alone or men alone. No training, no intervention, no workshop is successful without partnership, without men and women. Most gender training seminars, we find, are full of women because men feel they are not a part of it. They feel that we are going to talk about only women, so why be there? It is not true. We are talking about both men and women. We are also talking about disparities because of economic and religious status. All these factors also come up when we are talking about gender justice. Therefore, when we are looking at gender, we are actually looking at restructuring relationships. Moreover, when we talk about restructuring relationships, we are addressing attitudinal change. We are talking about what is your attitude towards women at home, what is your attitude towards the girl child at home. We can talk only then about the attitudes in the work place.

When we are talking about addressing society, India being a large country, we know that if we move from the North to the South, the gender relationships would be different. Cultural differences would also be conspicuous. These matters need to be kept in mind. The cultural heritage would again depend upon the region we come from.

I have framed some of the objectives of the module, which I am presenting now. I would begin with how gender is constructed and how gender relations can change. I would not talk about what gender is. I will just say how it is constructed; we will do this by analyzing the roles that men and women have to perform in their daily life. Once you come up with the roles you perform, then automatically you are also able to analyze what are the responsibilities. Then question arises: Are the responsibilities for men and women different? Are the roles different? Why are the roles different? Can we share the responsibilities? If we agree to share responsibilities, that is our first step towards attitudinal change. When we agree to share responsibilities, we are not talking of those specially relating to the domestic sphere. It is agreed that most of the responsibilities in the domestic sphere are of women.

From there, we go to the next exercises. From roles and responsibilities, we move to perception. If we expect our children to grow up in a certain way, that means it is a reflection of how we have been brought up. Therefore, perceptions would be the second aspect to consider.

The next very important issue that we need to address is myths and facts about domestic violence. Here I would like to quote a myth and a fact. One myth is that domestic violence is primarily due to provocation of women, and they deserve to be beaten because they are disobedient. The fact is that culture accepts subordination of woman. So it is because of culture accepting subordination that it results in this myth which is being perpetuated that women need to be beaten.

In this session, you could give several myths along with the facts and then the participants could be encouraged to discuss the different myths and facts.

The last issue which we would like to address when we are doing a session for policing would be to understand and analyze how gender can be integrated as an issue of policy. When we talk about gender in policing, it would be the human rights issue; it would be how investigations are conducted. Can we look at the general skill of investigation from a gender perspective? Can we look at human rights from a gender perspective and so on? I think these would be the broad issues that we would be dealing with when we look at a small module which would just be basically a sensitization module for police personnel. If we look at something like a larger session for a group, which is a continuous process, it would again depend upon what would be the needs which have been identified from training needs assessment and from the impact assessment of previous training programmes.

10.6 JUDICIAL PERSONNEL AND GENDER SENSITISATION

Venkateshwara Reddy, Director, Andhra Pradesh Judicial Academy

We have prepared a general module covering all the three levels of officers keeping in view the jurisdictional variations and the variance in the recruitment policy in the States, which will be overlapping.

We have prepared 22 topics and have suggested two types of courses. One is sensitization from basics for those who are recruited for the first time, at either the district munsif level or subordinate judge level in the districts, or district judges, because recruitment is a State subject. For the direct recruits the sensitization must be from the basics and for those who have put in sufficient experience, it must be termed as continuing education.

The topic must be chosen from the list given by us. I would not claim that it is an exhaustive list; it is only a suggestive list. We would invite suggestions from the dignitaries that are assembled here. I would also suggest that after threadbare discussion, the State Bar Associations, Women Lawyers' Association, the National Commission for Women and State Women's Commissions including representatives from High Courts should sit and put their heads together and evolve a common programme.

Coming to the topic that I have suggested, there are 22 items. The first one is "Gender Justice: An Overview", which incorporates "Historical perspective, pre-independence and post independence era, position and status of women in India: A Retrospect". This will give a broad picture of the status of women in the entire country for the officers who are called upon to undergo the sensitization or continuing education programme. In-service officers, who have gained sufficient experience, are expected to have some exposure towards gender justice. Therefore, we coined the term "continuing education programme" for these officers.

The second topic is "Judicial Processes and the Indian Woman - access to Justice". Again, this is a very broad subject. Somebody observed "law is a cobweb, the rich and strong would be able to break it and the poor would get entangled in it". To avoid such situations and comments we feel that the judicial officers must be abundantly educated and sensitized on the problems of women in the country, particularly those hailing from the lower strata of society.

The "Property Rights of Women", which is a broad subject and covers the Hindu Succession Act, the Married Women's Right to Property Act, etc. "Right to Maintenance" and "Adoption and Custody of Children" are of equally vital importance. Then comes "Special provisions relating to women in Industrial and Labour Laws". Then comes "Matrimonial Laws", which is an equally wide subject. There are "Special Provisions related to women in CPC", the procedural laws on the civil side "Procedure and trial of offences against women", which encompasses the problems that are being faced by women during the course of criminal trials.

Item No 11 is "Offences relating to Women in IPC" which generally deals with enactment on rape, kidnapping, outraging the modesty of a woman, abduction etc. No 12 is "Offences against Women-other Acts". This covers a wide spectrum of Acts like the Dowry Prohibition Act, Child Marriage Restraint Act, Sati Prevention Act, etc. relating to women. No.13 deals with the procedural aspects, "Recording of Statements under section 164 Cr P C and Dying declaration of Women and holding of identification parades of women accused".

Coming to prison justice in item 14 we have included "Women and Prison Laws". Then comes "Special provisions related to women in Cr.P.C and Indian Evidence Act". Then comes item No 15, which deals with "Forensic Medicine related to Women". This is also a special field, in which in certain States, a team of doctors are licensed to take up post mortem and injuries found on the person of the victim. Another major item is "Sentencing Policy in the Offences against Women". Under the sentencing policy, wide discretion is given to the presiding officer. He should exercise this power with caution and circumspection. The next topic is "Victimology", covering victims of atrocities and police torture.

Then we have "Suppression of Immoral Traffic in Women and Rehabilitation-Barrriers and Gateways", i.e., problems and solutions. The "Women Offenders-Fair trial - inadequacies of existing law", which is the subject matter of discussion. The next topic is "Female Children-Juvenile Justice". The last one on our list is "Criminal Justice Administration-Special Courts".

I have not included *Lok Adalats*. It is a matter of common knowledge that in the case of family courts also, there are provisions to the effect that whenever some family dispute or marital dispute comes before them, an endeavour should be made by the presiding officer to compromise the matter. It is a condition precedent. Therefore, we did not include *Lok Adalats*.

10.7 MEDIA AND GENDER SENSITISATION

Pradeep Mathur, Professor, Indian Institute of Mass Communication

The Indian society has an ambivalent attitude towards women, which is rather difficult to understand. This gives us a mindset of intellectual dishonesty on all issues relating to women. Therefore, the Constitutional guarantee of equal rights and equal status notwithstanding, Indian women are unequally treated and discriminated against. The Indian media is no exception to this gender bias.

We derive negative satisfaction from the fact that unfair treatment to women is a worldwide phenomenon. In support, we can quote the Report of the United Nations Population Fund which brings out the shocking fact that gender based abuse on women has increased all over the world. Among the women surveyed in all countries, their life partners have reportedly beaten up 20 to 60 per cent.

Brutalization of women takes place in a severe form in some traditional societies. The impression that the modern societies in the west are more humane to the fair sex is highly misplaced. Despite the fact that the world has seen a number of powerful women politicians, women have limited access to positions of power and, wherever they have attained such a position of power, they are in no position to do much for women. Some studies have also noted that women have to struggle much harder than their male counterparts to earn their livelihood. The jobs they do are tedious, monotonous and non-productive and it perpetuates their job stagnation.

If our attitude towards women is ambivalent, it is quixotic in the case of the media. We expect the media to do many things and apply correctives to solve our problems. Behind this approach lies ignorance of how media functions, which few have the honesty to admit. While media must address itself to these problems and it should have a social conscience, it is certainly not its only function, because it is committed to work for economic profit. Media is an organized commercial activity based on economic profit and so it will take up such activities, which will ensure enough of profits for its continuance. However, it does not mean that the media is merely a profit-making venture, as many of its detractors complain.

Like any other modern institution, media has been male dominated. Its level of gender sensitization has been more or less of the same level as that of judiciary, institutions of academic or scientific research or industry. However, feminist groups have been holding unrealistically high expectations from the media, which is one of the problems.

Media is a generic term, which is applied to mass communication activity in various forms. Their perceptions of society also differ. In a pluralistic society like ours, they depend upon the segments of audience. Therefore, to develop a holistic approach of media towards any single issue is well nigh impossible.

In the context of gender based differences, media and law enforcement can be understood from the following three angles: - (I) media and women which includes gender discrimination at work place like problems of harassment, sexual or otherwise, (II) (a) media awareness of women's issues, (b) knowledge and understanding of the laws relating to women; (III) media and law enforcement can again be divided into two issues (a) issues of violence, oppression and injustice to women and (b) campaign for ensuring justice to women and punishment to those who commit crime.

The Indian Institute of Mass Communication is the premier institute for media training. Some of our students have started seeking jobs in NGOs and many of them are working in the area of women's issues. Therefore, we have decided to devise a capsule to be incorporated in regular training programme. We hope to have it from the coming academic session. The following are some laws relating to women that need to be included in a curriculum on gender sensitization: - Civil Marriage Act, Right to Property Act, Suppression of Immoral Traffic on Women and Children Act, Special Marriage Act, Hindu Marriage Act and Divorce Act, Hindu Minority and Guardianship Act, Orphanage and Widow Home Act, Prevention of Dowry Act, Equal Remuneration Act and the Maternity Benefit Act. If anybody can suggest any addition to this, we will be happy to include them.

We conduct short courses for army and police officers of the State Governments, besides the officials of the Information and Broadcasting Ministry. The short courses focus on media skills and media

relationship. It is rather difficult for us to incorporate gender justice or sensitisation in these courses. However, with changing times we are taking a re-look at our training programmes. A full length diploma course in human rights and women empowerment is being proposed which will come up for approval before our academic council. A bit of law is also taught to media students.

11. Training Modules

11.1 Gender sensitization - Police

➤ Need For Gender Equality:-

➤ Constitution of India provides for equality of status and of opportunity to all citizens of the country. The following provisions in the Constitution relate to gender equality:

- Article 14. Equality before law and equal protection of laws.
- Article 15. Prohibition of discrimination.
- Article 16. Equality of opportunity in the matter of public employment.

- Gender equality is necessary in order to unleash the energy and productive capabilities of women around the world
- Research findings published in Human Development Report indicate that those countries which are ranked low in "Gender-related Development Index" (GDI) also rank low in overall human development, some of these countries also report worst human poverty, as measured by Human Poverty Index.
- Awareness among people of advanced countries that gender roles are social constructs.
- Increasing awareness among women about their rights and about their subjugation and exploitation for centuries in male dominant and patriarchal societies.
- Influence of feminist writings and efforts made by women's organizations.
- Improvement in educational levels of women.
- Women joining all types of jobs and performing equally well and sometimes better than their male counterparts.
- All the above factors bring to light the necessity to attain gender equality.
- **Necessity for gender sensitization training in police :-**
 - Concept of gender is grossly misunderstood by a large majority of police officers.
 - Lack of proper awareness and appreciation of the prevailing gender inequalities.
 - Even if there is awareness, the cult of masculinity prevailing in the police organizations does not easily permit a change in the attitude and behaviour of male police towards women.
- Police officers hold some stereotypes about sexual violence/harassment.

- Rape is victim-precipitated. Women ask for rape/sexual violence by provocative mode of dress and behaviour or by going out after dark or going to shady and lonely places. Women subconsciously desire rape and 'try rape' only when they are caught.
- Rape cannot occur if a woman resists.
- Women's place is at home. If they go out, they must take what comes in their way.
- Sexual harassment at work place and eve teasing are fun and women enjoy it.
- Male sexuality is an uncontrollable force. Women should not arouse it.
- **Standard pattern of police response on the basis of stereotypes held.**
- Initial complaint is disbelieved and action is contemplated only after a value judgement as to whether the woman is deserving of appropriate police response.
- Victim is discouraged from pursuing complaint.
- **Intensive Bullying, Callous Interrogation and Aggressive and Sexist Questioning.**
- Medical examination delayed and conducted in unpleasant and threatening surroundings.
- Victim not supplied with basic information about her legitimate rights and support services available to her.
- **Stereotypes Governing Domestic Violence.**
- Family is a private place where men have some legitimate rights.
- Husband has a marital right to discipline his wife.
- Women are irrational, nagging and provoke men.
- Only the poor/uneducated/alcoholic males are violent towards their wives.
- Women who deviate from feminine roles of mother and wife warrant discipline.
- **Findings of research study on 'Gender Issues in Policing' - opinion of male police personnel about the role of women officers**
- There is no need to integrate women into the mainstream.
- Women police personnel should be given specific tasks related to women and children.
- Women are not enthusiastic about their career or jobs.
- Women may work as cooks in the police mess.
- Women should escort only women prisoners and not male prisoners.
- Women should not be engaged in operations against militants, extremists and insurgents.
- Women need to be given special training to bring them on par with men.
- Women police officers are very gentle and are not capable of handling hardened criminals.

➤ **Rationale for Gender Sensitization in Law-Enforcement.**

- One crime against women every 4 minutes
- One torture every 14 minutes.
- One molestation every 17 minutes.
- One dowry death every 87 minutes.
- One kidnapping every 34 minutes.

No.	Crime Head	Year		
		1995	1996	1997
1	Rape	13754	14846	15330
2	Kidnapping & Abduction	14063	14877	15617
3	Dowry Death	5092	5513	6066
4	Torture	31127	35246	36592
5	Molestation	28475	28939	30764
6	Sexual Harassment	4756	5671	5796
7	Importation of Girls	191	182	78
8	Sati Prevention Act	1	0	1
9	Immoral Traffic (P) Act	8447	7706	8336
10	Ind.Rep.of Women(P) Act	539	96	73
11	Dowry Prohibition Act	2814	2647	2685

- The increase in violence against women, the delays in investigation of cases, the perfunctory manner in which the investigation is done - all point to the urgent need for sensitizing law enforcement officials on this issue.
- Gender sensitization involves a better response to the inequity and unequal power equation of gender relations, heightened receptivity to a gender fair value system challenging the framework that patriarchal stereotypes imposed. It denotes a process of resocialization - a process of unlearning the gender bias.
- Women are more afraid of crimes than men and fear of crime extends well beyond the women who have themselves been victims.
- Women victims are differently placed than their male counterparts.
- We must remember that these figures relate only to the reported and registered cases and the actual figures would be much higher.

➤ **Gender Sensitization Training –General Aspects**

- Separate training modules for police officers at different levels in the entry level as well as in-service training programmes of officers.
- Efforts should be made to bring about an attitudinal change in the officers by conducting psychological exercises etc.
- Need to associate officers from other criminal justice agencies at least in some courses for a co-ordinated action for providing gender justice.
- Commitment of top level police officers to the training programmes.
- Gender bias in law enforcement.
- Investigation of cases relating to crime against women - need for effective coordination with other agencies of criminal justice system.
- Role of developmental agencies in providing gender justice.
- Empowerment of women.
- Gender issues in police administration and steps to sensitize police personnel on these issues.

➤ **IPS Officers and directly recruited Dy. SPs - Pre-Entry Level (3-Day Module)**

- Concept of gender - gender perception exercises.
- Historical perspective of gender inequality in the country; gender inequality global situation.
- Dimensions and extent of violence against women in India.
- Legal provisions and latest decisions with reference to crime against women.

➤ **In-Service courses for senior police officers**

Level I Sr. Course for S.Ps. (2-Day Module)

- Concept of gender - gender perception exercises.
- Dimensions and extent of violence against women in India.
- Investigation of cases relating to violence against women - need for effective coordination with other agencies of criminal justice system.
- Gender issues in policing.
- Strategies to make lower level police personnel more gender sensitive.

Level II Sr. Course for DIGs/GPs (1-Day Module)

- Gender concept - Historical and contemporary perspective of gender inequalities.
- Gender issues in policing.
- Gender issues - need for effective coordination among criminal justice system agencies.

Level III Sr. Course for IGPs (Half Day Module)

- **Concept of gender and extent of gender inequality in the country and in police department in particular.**
- Gender sensitive policy making.
- Sensitivity training.
- Seminar at higher level.

➤ **Training Modules For Lower Level Functionaries**

Training Module for Constables (1-day module)

- Gender concept and gender inequality. Extent of violence against women in the country; how to behave with women victims, women complainants as well as women colleagues.
- Treatment of women victims and complainants by the investigating officers and the station staff.
- Need for effective interaction with prosecution staff and magistracy for successful investigation and prosecution of cases relating to violence against women.
- Problems of women police constables and how to handle them.

Training Module for SIs and SHOs (4-Day Module)

- Gender concept and gender inequality.
- Different types of violence against women.
- Legal provisions concerning violence against women.
- Investigation of cases relating to various types of violence against women.

11.2 **Gender sensitisation -administrators**

➤ **Gender Training of Administrators**

- Administration is an important tool for development.
- To abolish inequality between sexes.
- To shift women from welfare to efficacy.
- To intervene in policy formulation.
- To change the implementation process.
- Practical needs/strategic interests - difference to be understood.

➤ **National Gender Center For Training, Planning and Research**

The work of NGC primarily is: -

- Analysis of gender perspectives and governance;
- Developing a system of National and State Institutions in India having gender related activities;
- Training and policy development workshop;

- Developing the gender centre as a national resource center.
- Research in gender issues including short term consultancies; and
- Policy formulation and advocacy.

➤ **Purpose of the Gender Training.**

To impart training to: -

- Trainers as Master Trainers.
- Foundation Course.
- Senior civil servants at policy making level both at the Centre and the State.
- IAS Professional Course Phase-I and Phase-II.
- In service training programme for IAS officer at 6-9, 10-16, and 17-20 years seniority.
- Special training programme for various Departments/Ministries of Government of India and State Governments.
- To establish gender issues as a priority concern in development initiatives.
- To inculcate an awareness of these issues among administrators.
- To promote gender equality within the social change as they play essential role in development.

➤ **Training Methodology**

Objectives of Foundation Course: -

- To examine issue of gender inequality, through facts, figures and cases studies.
- To build perspective on gender and social justice.
- To enable men and women to occupy positions at all levels in the Government.
- To ensure gender balance at all levels of Government.
- To create an enabling work environment for women and men.
- To create appropriate mechanisms for monitoring and evaluation of the implementation of these objectives.

Content Of the Training Programme: -

- Introductory Session (Ice Breaking Exercise).
- Understanding Gender.
- Why gender is a developmental issue?
- What is Gender Training?
- Statements about men and women.

- Gender concerns in India.
- Men's Perceptions and Women's perceptions.
- Men's and Women's Roles.
- Sexual harassment.
- Men's and Women's Activities.
- Values, Beliefs, Attitudes and Behavior.
- Analysis of Gender Stereotypes.
- Discrimination through development.
- Policy analysis.
- How to change.
- Rethinking of development from a gender perspective.
- Apart from the Workshop the officer trainees are given assignments on gender in their syndicate groups.

Training of Trainers

- To build a National Gender Training resource.
- Team Based Partnership.
- To develop gender specific modules.
- Five training institutions (ATIs).
- 5-week gender course.
- Follow up on training events.
- Feedback on modules.

Conclusion: - Training is necessary for public administrators but it is not sufficient. It needs complementary changes in social institutions too.

11.3 Gender Sensitization - NGOs

As in earlier times, advances in the 21st century will be won by human struggle against divisive values- and against the opposition of entrenched economic and political interests

- Human Development Report 2000

Introduction:

History is moving fast at the start of the 21st century. The new information and communication technologies have unleashed waves of change and given rise to new threats to human security and freedom.

Feminist issues have risen due to the recognition of the fact that sex is biological and gender is socially and culturally constructed in the context of specific histories. Gender oppression of women

is common and runs across different cultures. Subordination of women under patriarchy needs special attention; the strategies for liberation require specific consideration of class, religion, race and ethnicity.

Certain aspects of patriarchy attracted the social reformists. The reform campaign focussed on widow remarriage, polygamy, women's property rights, education, abolition of sati and child marriage. The constituents of patriarchy corresponding to ideology and institutional practices were as follows (Kosambi, 1991) 1. The most important goal of life of woman is to act as vehicle for procreation of sons. The seed (male) has primacy over soil (female) 2. The religious sacraments lead to spiritual excellence but woman is entitled to only one of them i.e. marriage. 3. Women could be owners of property but they could not dispose of it, not even their stridhan (bridal wealth). 4. Woman was also excluded from public life as she was alleged to have uncontrolled sexuality. 5. Man is the insider in kinship relations whereas woman is the outsider having loyalty only to her husband. The current gender discrimination and sexual assault finds its roots in these patriarchal values.

Mahatma Gandhi wrote in Young India in 1918 "Woman is the companion of man gifted with equal mental capacities. She has the right to participate in the minutest details of activities of man and that she has the same right of freedom and liberty as he...By sheer force of a vicious custom, even the most ignorant and worthless men have been enjoying a superiority over women which they do not deserve and ought not to have."

The contribution of women is well documented by Jawaharlal Nehru in his book Discovery of India. He has written that " Our women came to the forefront and took charge of the struggle. Women had always been there of course, but now there was an avalanche of them, which took the British Government and our own men folk by surprise. There were these women, women from the middle classes and of the upper class, leading sheltered lives in their homes, peasant women, working class women, rich women pouring out in their tens and thousands in defiance of government orders and police lathis. It was not only the display of courage and daring but what was even more surprising was the organisational power they had." Such being the contribution of women yet they are considered weak and inferior.

The Constitution of India not only guarantees equality before the law and equal protection of law to all men and women but also lays down that a citizen shall not be subjected to any disability, restriction or condition on the ground of sex

There is a wide range of violations that women face in everyday life right from the day she is born to the last day. In a number of cases, it is the question of human rights that are being violated but the violation is based on her womanhood.

The fact that a woman does not enjoy many human rights because of being a woman is a serious social problem. There are rights, which are specifically women's rights. One of the important roles that a woman plays is that of child bearing, a service that is indispensable for procreation of human kind. Any definition of human rights needs to take cognisance of the requirement that society needs to provide all those necessary conditions for women to perform this service in the most healthy and civilized manner.

Rebecca Cook points out that CEDAW "progresses beyond the earlier human rights convention by addressing the pervasive and systemic nature of discrimination against women, and identifies the

need to confront the social causes of women's equality by addressing all forms of discrimination that women suffer".

Article I prohibits discrimination that has the effect of "impairing or nullifying duty to promote and fulfill rights", requires positive action to ensure that everyone has access to economic and social rules. The obligations imposed in this regard can be of an immediate nature, requiring States to achieve a certain result. States are required, as expeditiously as possible, to adopt effective and well targeted legislative and other measures to advance and improve access to socio-economic rights.

One of the most difficult tasks ahead in addressing this problem is the lack of a universally accepted definition of "rights of women". If human rights are something that are of crucial importance for human life and mandatory in compliances, then the question arises : why do we still need to look out for "right of women" as a separate entity. This is because, rights are made subject to interpretations of moral, religious, political and social values. Thus, it is being argued that there are no universal standard of human rights because different societies are in different states of development.

It is a threat that looms large over the heads of millions of women in India. The right to walk on the street with no threat of physical assault is a human right. The demand for conditions that allow human beings to live as human beings and the right of women as the bearers of the labour power, brain power is suppressed under the existing official authority, and this authority breeds violence. This is an issue not for women alone but the society at large.

Role of NGOs

As human development becomes the focal concern in global agenda for sustainable development, reducing or even ending the apartheid of gender and paving the way for real gender equality and gender justice poses to be one of the major challenges before us. The female population of the world stands around 2.75 billion. Although women have benefited in the fields of health, education, work, legal status etc., yet, they are victims of all kinds of exploitation, violence, harassment and discrimination in political, economic, social and cultural fields. Women's role in the household is taken for granted. Their unpaid work in terms of their role as homemaker and mother is invisible.

NGOs have worked with different agencies in the past for the upliftment of women's status. They can now play a significant role in several respects :-

- Advocacy and Awareness generation.
- Operating counselling centres.
- Providing shelters for victims of rape and for rescued children.
- Creating training cum production units.
- Act as a liaison between police and victims of violence.
- Provision of specialised services in rape, dowry, incest and child labour that require services of skilled professionals.
- Create awareness of women's rights as a human rights issue among the judiciary, police and public.

The key to understanding the unequal relations between men and women is grasping the concept of gender.

The growing trends of gender based atrocities despite several legislation and developmental policies are a matter of concern. In order to curb violence against women, an integrated approach is required. Certain major steps need to be undertaken like :-

- i Effective implementation of laws.
- ii Bringing about necessary attitudinal changes in the family/community and society.
- iii Sensitization of judicial and police officials.
- iv. Strengthening of women's cell in police stations, family courts, counselling centres and legal aid centre.
- v. Intensive media campaign.

The perceptions within the system vary. The point that emerges from the different issues is that the responses of the society are not unconditional. The individual experiences as well as internalisation of gender ideologies influence them. Largely the responses to violence against women are judged on the grounds of deservedness, morality, economic status etc.

Development Objective:

How does a gender perspective help?

With the help of a gender perspective, our social analysis becomes finer.

- Our social interventions are more finely tuned, when we are aware of all the complex ways in which society slots people into different roles.
- Forging partnership with law enforcing agencies- Role of NGO's, Gender Training Institute categories and roles and of the ways these roles can be the basis of both cooperation and conflict.

It becomes essential that all those who are part of the law enforcement machinery should become sensitive to these finer aspects of the social process which most of the time becomes the reason for perpetuation of gender specific violence.

Gender oppression takes a multitude of forms, and is an added dimension to oppression based on race, ethnic identity, class and caste. It is universal that women experience male domination in every sphere of life - in political office, in the courts and judicial system, in the market place, in the classroom, in the clinic, in the trade union, in the community organization, and inside the household.

Gender awareness is a way of seeing, a perspective, a set of insights, which informs our understanding of people and society. Gender is the heart of human identity and all human attitudes, beliefs and actions. We take it for granted. Yet, when we begin to look into it and question our assumptions, we find that the world looks different. This finally leads to the desired change i.e. an equitable society.

The sensitization process involves learning and unlearning, after identifying the underlying mechanisms and biases, and making visible the invisible power structures that perpetuate violence.

We believe that it is "The right of both women and men to be free from all forms of discrimination and to be valued and educated free of stereotyped pattern of behaviour and social practices based on the concept of inferiority or subordination".

Therefore, sensitisation of law enforcing agencies and other agencies through training programmes is essential. This helps in forging partnership so that the victims of abuse besides receiving a just verdict are dealt by people who empathise with them thereby contributing towards gender justice.

There is a difference between acknowledging the importance of gender issues and being able to put it into practice. Most people do not intentionally discriminate against, or intend to disadvantage, women, yet that is what may happen if they do not have the necessary awareness and skills. It is not enough to have good intention.

It has been found that gender training does make a significant difference, but it is not a cure for all problems—changes in policy, procedures and forging partnership with law enforcing agencies— Role of NGOs also need to be considered as alternatives or additions to training.

A training workshop that includes members of the society, NGOs and law enforcing agencies could help forge partnership between the different agencies and work towards strengthening its social arrangements for securing human freedom – with norms, institutions legal frameworks and an enabling economic environment. Legislation alone is not enough.

Entry points in Training:

There can be different entry points for different participants and for different objectives. The broad approaches are conceptual approach, policy analysis approach, action reflection approach and the experiential approach.

- The conceptual approach would seem appropriate for participants who are at the senior level and who are already aware of gender issues but need to understand the relevant concepts.
- The policy analysis approach would be for those who intend to integrate gender in their policies and are involved in concrete developmental activities.
- The action reflection approach begins with participants building gender-related concepts attitudes and skills based on development experiences, and learning lessons from their implementation.
- The experiential approach begins with personal experiences of the participants and locating these experiences in the hierarchical structures of the society and reflecting on the type of person one wants to be.
- The experiential approach has been found the best way to move towards transformation.

Methodology:

The processes are interactive and participatory, based on experiences of participants. Participatory training methodology believes that people can develop themselves by reflecting on their actions and by creating an understanding that it is possible to change one's situation.

Objectives:

By the end of the training program, the participants will be able

1. To understand and analyse how gender is socially constructed and how gender relations can change.
2. To identify ways in which perceptions and assumptions of masculine and feminine attributes can restrict the expectations and options of men and women.
3. To identify the different institutions in the society that transfer norms and values and analyse how these changes are incorporated over a period.
4. To understand and analyse gender as an issue and understand women's rights as a human rights issue.

11.4 Gender Sensitisation - Training for Judiciary

- Gender Justice- An overview
 - Historical perspective
 - Pre-independence era & Post-independence era
 - Position and Status of Women in India - A retrospect.
- Judicial Processes and the Indian Woman - Access to justice.
- Women and Constitutional Rights.
- Property Rights of Women.
- Right to Maintenance.
- Adoption and Custody of Children.
- Special provisions relating to Women in Industrial and Labour Laws.
- Matrimonial Laws.
- Special provisions related to women in CPC.
- Procedure and trial of offences against Women.
- Offences relating to Women in I.P.C.
- Offences against Women under other Acts.
- Recording of Statements u/s 164 Cr.P.C. and Dying declarations of Women and holding of identification Parades of women accused.
- Women and Prison Laws.
- Special provisions related to Women in Cr.P.C. and Indian Evidence Act.
- Forensic Medicine related to Women.
- Sentencing Policy in the offences against Women.
- Victimology.

- Suppression of Immoral Traffic in women and Rehabilitation - Barriers and Gateways.
- Women Offenders - Fair Trial Adequacies of Existing Law.
- Female Children - Juvenile Justice.
- Criminal Justice Administration - Special Courts

11.5 Gender Sensitization - Training for Media

Media and Law Enforcement

The Indian society has an ambivalent attitude towards women, which is rather difficult to understand. On the one hand women are held in utmost regard and worshipped as deities who can grant us power (Durga), money (Lakshmi), and wisdom (Saraswati), and on the other they are treated as an inferior variety of humankind who can be subjected to hardship and oppression. This ambivalence is reflected everywhere and in all walks of life. This gives us a mind-set of intellectual dishonesty on all issues relating to women. Therefore, constitutional guarantee of equal rights and equal status notwithstanding, Indian women are unequally treated and discriminated against. The Indian media is no exception to this gender bias.

We may derive negative satisfaction in the fact that unfair treatment to women is a world-wide phenomenon. In support, we can quote the report of the United Nations Population Fund (UNFPA) which brings out the shocking fact that gender-based abuse of women has increased dramatically all over the world. In all countries studied and the women surveyed 20 to 60 per cent of them have reportedly been beaten up by their life partners. The brutalisation of women takes place in a much more severe form in some traditional societies. However, the impression that the modern societies in the West are more humane to the fair sex is highly misplaced.

Despite the fact that the world has seen a number of powerful women politicians, women have only limited access to positions of power and wherever they attain the positions of power, they are not in a position to do much for women.

The UN studies have also noted that women as a rule struggle much harder than their male counterparts to earn their livelihood. The jobs they do are tedious, boring, monotonous and non-creative, and this perpetuates their job stagnation.

In the developing countries, 15 to 50 times more women die in maternity cases as compared to their counterparts in the developed world. In numerical terms, more than five lakh women die every year during childbirth and pregnancy for reasons that can be avoided without much effort or expenditure.

If our attitude towards women is ambivalent, it is quixotic towards media. We expect media to do all good things, apply correctives, and solve our problems on the one hand and run it down as trivial and sensational on the other. Behind this, approach lies an ignorance of how media functions, few have the honesty to admit. While media must address itself to social issues and it should have a social conscience as well; it is certainly not an NGO activity or an extension of community work as many social activists think it to be. Media is an organised commercial activity based on the ground principle of economic survival that has to be ensured by making economic profit and taking up such activities which will ensure enough returns for continuance. However, it does not mean media is a mere profit making venture as many of its detractors conclude.

Like any other modern institution, media has been male-dominated. Its level of gender sensitisation has been more or less of the same level as that of judiciary, executive, academics, scientific research, defence, trade and industry. However, the feminist groups have been holding unrealistically high expectations from media to champion their cause.

Media is a generic term which is applied to mass communication activity in various forms such as radio and TV, films, newspapers and magazines, public relations, advertising government publicity and so on the so forth. All these activities have their own background, work traditions, application and techniques. Their perceptions of society also differ. In a big plural society like ours, they relate to different segments of audiences. To develop a holistic approach of media towards any single issue is, therefore, well nigh impossible. What we consider media approach, attitude or view of something, therefore, is a highly simplified way of understanding the role of media in our society.

In the context of gender bias media and law enforcement can be understood from the following three angles.

A. Media and Women

- a Gender discrimination in employment, promotions.
- b. Harassment - sexual or otherwise.

B. Media Awareness of

- a Women's issues.
- b. Knowledge, Understanding of laws relating to women.

C. Media in Law Enforcement

- a Basic issues of violence, oppression and injustice to women.
- b. Campaigns for ensuring justice to women and punishment for the guilty.

Media and Women

There is no denying the fact that the growing presence of women in the Indian press has become more obvious than ever in the past decade. They are spotted everywhere – milling about wherever news is generated, handling news desks, supervising editions and bustling around in the newsrooms. Data indicates that women's share of jobs in the Indian print media has been slowly but steadily increasing over the years. They also reveal that women are even moving into executive positions within the press. Though this is in keeping with the trend almost everywhere in the world over the past two decades, India has some catching up to do.

When we think of the presence of women in the media both in terms of numbers, whether absolute or in comparison with men, and their status in terms of the position they occupy, we have to bear in mind that as in all other fields, women are late comers on the scene, not of their choice, but on account of the social and religious taboos which operated and continue to do so as legal sanctions. Even in those regions and communities where the social and religious taboos can no longer be enforced, poverty, illiteracy, discrimination and male domination keep a vast majority of women away from the print media even as readers.

An UNESCO paper reveals that world-wide, women's overall share of media employment is below 20 per cent. In India, their overall share of jobs in the press is eight per cent though they account for a relatively higher proportion of editorial level executives i.e., 15 per cent.

There is little documentation of the history of women's involvement in the Indian press. However, as in other parts of the world, a large number of women across India too have been involved in journalism since the turn of the century. The first known woman journalist in Hindi was Hemant Kumari Debi, who began publishing 'Sugrihni' from Allahabad in 1888. The next year, "Bharati Bhagini", another journal for women in Hindi, came out from the same city, this time published by Hari Devi.

The first half of the 20th century brought into fore many women journalists including Asha Devi, Gayatri Devi Varma, Rameshwari Nehru and Mahadevi Varma. Some of these women were related to progressive movement, many of them were involved in movements for religious and social reform and/or national independence. Their journals for women often reflected their outlook, featuring articles on women's education and emancipation, contemporary politics, health and literature. Several of these early publications edited by women also focussed more exclusively on the perennial staples of traditional women's magazines, such as sewing, cooking and housekeeping.

From the available information, it appears that the press in cosmopolitan Mumbai was the first to open its doors to women. Homai Vyaravalla was probably the first woman on the staff of a mainstream publication when she joined - "The Illustrated Weekly of India" in the 1930s. She was also the first female photographer in the country. There is far less documentation on the first few writers to enter the field. Many of them seem to have taken the film journalism route into the profession: Clare Mendonca (The Times of India), Manorama Katju (Sunday Standard) and Abad Karanjia (Onlooker) were amongst the earliest, while Gulshan Ewing and Deviyani Chahal came in a little later.

A number of factors may have contributed to creating this sizeable third wave. The ripple effects of the growing international women's movement, officially heralded world-wide by the United Nations' International Year for Women (1975), were stirring the waters in India, too, at this time. This was also the period following the bitter experience of Internal Emergency (1975-77) which included press censorship and served to alert citizens to the importance of safeguarding civil liberties and democratic rights, including the freedom of expression. Newly liberated by the fall of this short-lived quasi dictatorship, the press became far more vigorous and vigilant than it had been since independence. A magazine boom followed in the early 1980s, which vastly improved and expanded the job market for journalists.

The fourth wave of women to buffet the press-in the 1990s "has assumed the proportions of a tidal wave". The fresh recruits are entering a vastly altered playing field. There is now widespread acceptance in most parts of the country of women's active participation in the world of work. Varieties of female role models are now available at senior levels in the profession and in virtually all areas and genres of journalism.

Media's Portrayal of Women

The media reflects events taking place in society and provides platform for dialogue and debate on issues, which can generate social changes. While electronic media carries immediate weight on focussing attention on various issues, it is print media, which has more persistent and lasting effect

The reach of the mass media among women in India is much less due to factors like illiteracy, inaccessibility and traditionally imposed restrictions. However, nowadays, Indian women are interested in the activities of day-to-day life, which force them to read newspapers. In some states like Kerala, the rate of literate female is more, comparing to other states. The women find good places not only in the state government services but in the All India Services also their number is increasing. How the press deals with those matters related to women in India?

Stereotyped Press

The Indian Press perpetuated the stereotyped image of Indian womanhood. These images are enshrined even in our modern times. The print media portrayed her occasionally with the sexist bias and in complete disregard of her reality. The picture thus emerged was that of a woman who is not at all useful to the society. There are some places in India where women have been working in different fields to earn their livelihood where their husbands are wasting time and money by playing cards and consuming country liquor. The women in these areas are frequently subjected to severe harassment and torture from their husbands. They are deprived of money even for their personal needs. This is the condition of Indian women in our country.

Politics is one area where the Indian women are hesitant to take part. They get the impression from press reports on elections that mafia control our politics and those anti-social elements are hired to create violence. The women may talk about the need of participation in the decision making process, but fail to join it. They give up this area as totally male dominated.

Moreover, the press often tends to trivialise women's effective participation in this area. Now, we do have some women politicians and female ministers in the Central Government, but their number is not proportionate with the total number of female population in the country. In the college campuses and Universities, one can see women heading different political parties and University unions. It is sad to say that they are not coming into state or national politics after their college life. The impression created by the press about politics can be one among the many reasons which prevents women from entering the active politics.

Women entrepreneurs

Economic and industrial scenario is another vital area. Many women entrepreneurs are coming forward to establish their own business and enterprises in different fields right from coir industry to computer business. In many cases, the media is ignoring the developments and turnover achieved by these women entrepreneurs. Whenever media covers them, they prefer to attribute their relation with somebody else - as somebody's daughter or wife. Usually, women are never covered independently in their own right.

Crime and rape are other subjects handled by a section of the media as a sensationalising attempt to present women in question. If we consider a few rape cases in the recent past, it can be seen that woman is the easiest scapegoat for socio-political and religious matters. The infamous Naina Sahni murder case is a good example for it. The distorted and sensationalised reports done by different media harm the womanhood in the name of women's issues. This may create more violence against women, instead of creating an atmosphere to set such cruel activities to rest.

The Press Council of India has framed certain guidelines for the benefit of the print media in covering events and crimes involving women. This has a special reference to the alleged sensational coverage by four Bombay newspapers about the murder of two nuns of Bombay in November 1990 casting aspersions on their personal character. It observed that while reporting crime involving rape or molestation of women, personal character and privacy of women, the names and photographs of the victims' etc. should not be published. The Council has expressed the hope that the journalists will keep these general principles in mind while covering such events in future.

Gender Injustice

The Constitution guarantees to all its citizens justice, liberty and equality without any discrimination. Even 51 years after Independence, women continue to be treated as the single largest under-privileged group in India.

Some positive developments notwithstanding, negative aspects far outweigh the former and prevents women from securing equal status. These include high mortality rate amongst female children and young women. Low female literacy, inadequate nutrition, and unsatisfactory access to gainful employment and discriminatory wages. Crime and atrocities against women have also been showing an alarming increase. Large majorities of women have not been able to get the benefits provided by various laws and socio-economic measures, and millions of women continue to be oppressed and face discrimination.

Although access to justice is the primary need and right of every human being, in the case of women this basic right is not easily available because of a variety of factors in which they have no or little control. Firstly, one should be aware of not only one's rights and duties but also the procedures to protect them under law. Secondly one must be willing to assert these rights through proper channels and must be prepared to face the consequences resulting from dilatory and uncertain legal proceedings.

Laws

The following are the important Laws Relating to Women

1. Civil Marriage Act 1872
2. Right to Property Act 1874
3. The Suppression of Immoral Traffic in Women and Children Act 1954 amended in 1986.
4. The Special Marriage Act 1954 amended in 1976.
5. The Hindu Marriage and Divorce Act 1956
6. The Hindu Minority and Guardianship Act 1956
7. Orphanages and Widow Home Act
8. Dowry Prevention Act 1961 (Amended in 1984)
9. Equal Remuneration Act 1974
10. Maternity Benefit Act 1961

The following are summaries of selected judgements affecting the rights of women :

(a) Hindu Law

Surestha Devi Vs. Om Prakash (1991) 2 Sec 25

The husband and wife duo who were married in 1968 and lived separately, except for a brief period of eight months, filed for a divorce on mutual consent after an hour's meeting on January 8, 1985. Two days later the wife filed an application for withdrawal of her consent in which she claimed that the consent was procured under duress, and that she was given no time to consult her family.

The Supreme Court held that if one of the parties withdrew his or her consent in the 6-18 months interregnum provided for by S.13-B (2) of the Hindu Marriage Act, then the court would have no jurisdiction to grant the divorce on "mutual consent". It would be rather ironical for the court to grant mutual consent decree if the consent was withdrawn. Consent will continue to exist until the case is heard even if there was no fraud or force at the time of filing the initial petition.

The court said three conditions need to exist for a grant of divorce under S.13 (B)(1):

Parties should have been living separately for a period of one year or more (living separately has no reference to the place of living; what is relevant is that they would not have been living as husband and wife).

There should exist no possibility of reconciliation between the parties. Parties should be in mutual agreement for the dissolution of the marriage.

(b) Muslim Law

C.I.T (A.P.) Vs. Nawab Barkat Ali Khan (1991) Supp. (2) Sec 222

The matter arose principally due to sections 16(1), 62(v) of the Income Tax Act, but the facts relevant to the area of Muslim law are that the respondent (legal representative of the Late Nizam of Hyderabad) executed a trust deed in which he mentioned two ladies - Laila Begum and Jari Begum - as "ladies of position" and in brackets "wife".

The question arose whether a mere acknowledgement that a particular person was the wife of the person would suffice to indicate marriage in the absence of the completion of any formalities of marriage.

The court held that a mere acknowledgement and the loose employment of the term "wife" would not suffice to indicate valid marriage. Further, the respondent had indicated in an affidavit to the ITO that these women were not wives, but merely "ladies of position". Further, no formalities of marriage were in evidence of having been performed. Therefore, the court concluded that the respondent had not married the women concerned, and they were merely "ladies of position".

(c) Constitutional Law

Madhu Kishwar and others Vs. State of Bihar (1992) 1 Sec 102.

The petitioners, members of Ho and Oran Tribes of Bihar had challenged the validity of sections 7 and 8 of the Chota Nagpur Tenancy Act 1908, which confine succession of property to the male line. It was ultravires of Article 14 of the Constitution. Under the direction of the court at an earlier stage

of the case, the State of Bihar had set up a committee to examine the feasibility of an amendment to the offending section. It concluded that any change allowing the property to go into the hands of female heirs would cause great agitation and unrest among the Scheduled Tribes.

The court opined that as citizens of the country, the female members of these tribes are entitled to guarantees of the Constitution. Instead of deciding the case on merit, the court directed the State of Bihar to explore the possibility of permitting inheritance by females while regulating it for avoiding the property going out of the family. The right petition was accordingly disposed of.

Constitutional Rights and Safeguards for Women

In Britain and US, women had to struggle to make the law recognise them as full-fledged citizens. The Indian Constitution, on the other hand, recognises women as individual citizens. The Indian Constitution under Article 14 guarantees that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India". The Indian Constitution also recognises that women suffer discrimination in the society and should be given protection under special laws.

The Constitution took special care to prohibit discrimination on the ground of sex and provided under clause (3) of Article 15 that nothing shall prevent the State from making any special provision for women. Courts too have upheld the validity of special measures in legislation and executive orders in favour of women without even just exception.

Article 16 of the Constitution which announces equality of opportunity in matter of public employment stressed in Clause (2) that no citizen shall be ineligible for or discriminated against in respect of any employment or office under the state on the ground of sex. Clause (2) of Article 38 mandates the state to eliminate inequalities in status and opportunities while the right to an adequate means of livelihood of men and women equally has been enshrined under Article 39 (a). Above all, the fundamental duties provided under Article 51 (A) of the Constitution, which the State is duty-bound to obey, require total renunciation of practices derogatory to the dignity of women.

Perhaps India is the first country to recognise the fact and take concrete measures to draw women into responsible positions and thus into politics by giving them one third reservation in what may now be called the third tier governance - the Panchayat Raj.

The Constitution (73rd Amendment) Act 1992, Article 243 (D) 3 reads. Not less than one third of the total number of seats to be filled by direct election in every panchayat shall be reserved for women, and such seats may be allotted by rotation to different constituencies in a panchayat. And clause (4) of the Act has the following provision: ... Not less than one third of total number of offices of chairpersons in the panchayats at each level should be reserved for women. Provided also that the number of offices reserved under this clause shall be allotted by rotation to different panchayats at each level.

The amendment providing one third representation to women in elected bodies as well as preserving one third offices of chairpersons for them has far reaching consequences in Indian political and social life. This is a delayed action for we can not make democracy meaningful in a traditional society like ours without full involvement of women.

The status of women in India has several deficiencies that are clearly indicated in the physical quality of life in the country, which relates to their literacy rate, life expectancy at birth and infant mortality rate. These deficiencies have prevented them from participating fully in the nation's social and economic development and placed them in a vulnerable situation. Though it is not possible to bring about a catharsis through mere legislation, it is undoubtedly necessary to have an effective legislative policy to guard their rights and privileges. In 1980, the laws relating to the protection of women were reviewed and reformed. In 1984, the Family Courts Act was passed and the Dowry Prohibition Act was amended.

The present medley of laws relating to property, succession, inheritance and guardianship of children need further reform to guarantee the same rights and privileges as are enjoyed by men. A uniform civil code is a must as promised by the Constitution to guarantee such rights. Needless to say that these measures must be strengthened by social support and better educational opportunities so as to enable the beneficiaries of such laws to take full advantage of them. Unless both men and women are enlightened in these matters, no amount of legislation will help.

Conclusion

This is singularly unfortunate that media should largely ignore the real state of women in society. In Indian society, where remarks of feudalism and caste discrimination make their condition even worse, the media has a much more significant role to play. No doubt Indian media has brought some cases in sharp focus and has been able to sensitise public opinion against gender injustice. However, much more needs to be done and with a tenacity of purpose. With an obsession for the consumer culture, media seems to be giving much more attention to glamour queens like Aishwarya Rai, Sushmita Sen, Madhuri Dixit and even Phoolan Devi than to the dumb, mute, voiceless Indian women.

TV's new soap opera culture has further denigrated the status of women. It has also knocked out the very premise that a woman should not be treated as a commodity - something on which the feminist movement of previous decades was built up. While Indian opinion leaders struggle to grab a berth on the delegation to the world women's conference, they hardly find time to address themselves to the gut issues concerning the status of women in the country.

There is an urgent need to focus on some of these issues concerning women and media. Effort must be made to probe as to what is going wrong in our approach to women. We must work for building up an enlightened opinion on the issue, which will serve as a bulwark, against exploitation, oppression and degradation of the other half of humanity.

12. ANNEXURES

12.1 Programme Schedule

TWO DAY WORKSHOP ON ' GENDER JUSTICE – FORGING PARTNERSHIP WITH LAW ENFORCEMENT AGENCIES '

(10-11TH MARCH 2000)

DAY-1

SESSION I

INAUGURAL SESSION

WELCOME ADDRESS by Smt.Vibha Parthasarathi Chairperson, NCW,

RATIONALE OF THE WORKSHOP by Dr.Poornima Advani, Member, NCW.

INTERNATIONAL POLICIES AND GENDER by Ms. Rani Jethmalani, Advocate, Supreme Court

KEY NOTE ADDRESS by Mr.Justice A.M. Ahmadi, Former Chief Justice of India

SPECIAL ADDRESS by Smt. Sumitra Mahajan, Minister of State for Women and Child Development,

TEA BREAK

SESSION II

POLICE PERSONNEL AND GENDER SENSITISATION

CHAIRPERSON: Justice Sujatha Manohar, Member, NHRC

CO-CHAIRPERSON: Dr. Kiran Bedi, Jt.Commissioner Police Training, Police Training College, New Delhi

SPEAKER: Shri G.U.G.Sastry, Asst. Director, S.V. P., National Police Academy, Hyderabad.

LUNCH BREAK

SESSION III

ADMINISTRATIVE PERSONNEL AND GENDER SENSITISATION

CHAIRPERSON: Smt.Kiran Aggarwal, Secretary, Women and Child Development

CO-CHAIRPERSON: Shri Suchir Verma, Principal Secretary Training and Director, RIPA

SPEAKER: Ms.Geeta Mishra, Executive Director, LBSNAA

TEA BREAK

DAY -2**SESSION IV****GENDER SENSITISATION AND NGOs****CHAIRPERSON:** Smt. Mridula Sinha, Chairperson, CSWB**CO-CHAIRPERSON:** Smt. Leena Mehendale, JS, NCW**SPEAKER:** Dr. Madhumita Sarkar, Senior Training Manager, GTI

TEA BREAK

SESSION V**JUDICIAL PERSONNEL AND GENDER SENSITISATION****CHAIRPERSON:** Justice B.A. Khan, Judge, Delhi High Court**CO-CHAIRPERSON:** Ms. Indira Jaising, Advocate Lawyers Collective**SPEAKER:** Sri Venkateshwara Reddy, Director, Andhra Pradesh Judicial Academy, Hyderabad.

LUNCH BREAK

SESSION VI**MEDIA AND GENDER SENSITISATION VALEDICTORY SESSION****CHAIRPERSON:** Sri Arun Jaitley, Minister for Information and Broadcasting**CO-CHAIRPERSON:** Ms. Usha Rai, Journalist**SPEAKER:** Prof. Pradeep Mathur, Professor Journalism. IIMC

TEA BREAK



NATIONAL COMMISSION FOR WOMEN

Report of the Workshop
on
Gender Justice :
Forging Partnership
with
Law Enforcement
Agencies

NATIONAL COMMISSION FOR WOMEN
4, DEEN DAYAL UPADHYAYA MARG, NEW DELHI-110002

Project Team

Dr. Poornima Advani, Member, NCW

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FOREWORD

Gender sensitisation aims at shaping attitudes and changing mind-sets. This process involves a deep understanding of all aspects and manifestations of gender bias- subtle and direct-that have been, since centuries, strongly embedded into the psyche of our people.

Women in India are a population at grave risk. Emotional stress, humiliation, oppression, fatigue, ill-health, assault, murder - women have always been the victims of our patriarchal society. Today's consumerist milieu is adding to her woes by commodifying her existence.

The law enforcing agencies being a product of the social climate of which they are a part, display the same biases and prejudices against women. Be it the police, the judiciary or the administration- women are compelled to remain voiceless and powerless.

Changing mindsets can be a daunting task. Working along with and sensitising the law enforcing agencies is of utmost importance and an urgent requisite for a balanced and equitable society.

The much-needed reformative process in this direction has been long delayed. It was in 1992 that the National Commission for Women was born after overcoming innumerable hurdles. The Commission was vested with a statutory mandate to safeguard the Constitutional entitlements and legal rights and other interests of women in the country.

The Commission has in the first decade of its existence taken up several initiatives towards a change in the status of women. Since gender justice is a subject that was felt to be of paramount importance, the Commission embarked upon the process of improving the awareness of gender issues of the agencies that matter most.

The workshop on "Gender Justice : Forging Partnership with Law Enforcing Agencies" was organized to build partnerships of understanding with the Governmental machinery including the police, the prosecutors, the judiciary, lawyers, media, activists and professionals, by bringing them all on a common platform. The workshop mainly discussed the proposals of necessary course curricula on Gender Sensitization of the police, judiciary, administrative personnel, media and the NGOs.

The Workshop Report will provide an insight into the role and functions of these agencies and the coordination required among them. Networking with trust and understanding is a sine qua non for effective functioning. The Commission has set the ball rolling. What we are now looking forward to is implementation and positive achievement.

Vibha Parthasarathi

Chairperson

National Commission for Women

P R E F A C E

The development of a country depends on the contributions made by all its citizens. It is therefore necessary to unleash the energy and productive capabilities of women so that their contribution is not thwarted.

The Constitution ensures equality for all irrespective of gender. The Fundamental Rights and the Directive Principles contain safeguards against discrimination and mandate a State policy aimed at all round development of the entire citizenry. There are laws prescribing special status for women and prohibiting all types of discrimination against them. There is a plethora of schemes for upliftment of women.

Unfortunately, the justice-imparting machinery, legislative, executive as well as judicial, has mostly failed in translating the glorious promises contained in the sacred document, the Constitution of India, into a living reality. Women are hardly aware of their rights as illiteracy and ignorance have kept them totally in the dark. Even the media has not been able to galvanize society. The schemes meant for the advancement of women seldom reach the rung they are devised for and the administrative framework has hardly helped them in accessing the various programmes. Rarely do they muster courage to approach the law enforcing agencies for relief against crime and when they do, the police and judicial system are seldom able to get justice for them. However much the NGOs may have worked for their benefit, the results have been sparse and patchy. Therefore, their paradoxical position continues—admirable sentiments and abominable status. The bridge between reality and the shadow-play acting has to be built by a truly selfless and concerted partnership between all the responsible agencies, the various organs of the State and society. This should be done in a way that their efforts are synergised through mutual reinforcement rather than being frittered away by working at cross-purposes.

Gender bias makes no difference between affluence and poverty, the "haves" and the "have-nots". Both the legal and policing systems and negative community attitudes militate against the prevention and eradication of violence against women. One of the methods of eliminating this bias is through training or 'workshops', as some of the participants here would call it. It is a development intervention which aims to create awareness, build skills and influence behaviour in relation to gender. The purpose of gender training is to establish gender issues as a priority concern in development initiatives.

The Workshop on 'Forging Partnership with Law Enforcing Agencies', on the 10th and 11th March 2000 was an attempt in this direction. Realising that the basics of partnership would be the sharing of a common value framework by all the agencies concerned with the destiny of women, arrangements were made that training modules be prepared for the personnel of these agencies at all levels. The module building task was entrusted to five premier institutions concerned with training and orientation of the personnel in the five selected streams—Administration, Police, Judiciary, Media and the NGOs. The Institutes that collaborated with NCW in the project were :-

- The Lal Bahadur Shastri National Academy of Administration, Mussoorie.
- The S.V.P. National Police Academy, Hyderabad.
- The Andhra Pradesh Judicial Academy, Hyderabad.
- The Indian Institute of Mass Communication, New Delhi.
- The Gender Training Institute, New Delhi.

These institutions presented their modules at the National Workshop held in March, 2000 where they were deliberated upon and further refined through two days of lively, though meaningful, discussion. This report contains a summary of the proceedings of the workshop in the hope that the concerned agencies will be able to implement the suggestions contained herein.

My grateful thanks are due to the Chairperson Smt. Vibha Parthasarathi for her helpful advice at every stage and Smt. Binoo Sen, the then Member-Secretary, for her administrative support. Smt. Reva Nayyar, presently the Member-Secretary of the Commission, and my fellow Members of the Commission have been a source of constant support for which I am ever grateful to them. I am grateful to Ms. Vidya Seshadri for having compiled this report. I thank the secretariat unit, without whose cooperation, this Workshop would not have materialized. I am also thankful to Mr. S.M. Imran Ali, Law Officer, Ms. Rajni and Mr. Ayappan, members of the staff who worked enthusiastically and spiritedly to make the project a success.

The success of the Workshop was, no doubt, achieved through the spontaneous cooperation and coordination of every subject presenter, curriculum presenter and chairperson of every session. It was their commitment to the cause which prompted them to spare their valuable time to participate fruitfully in its proceedings.

This Workshop had been conceived with the thrust on active audience participation. Hence the initiative of each participant added to the success. I am grateful to them all for their involvement and valuable contribution.

There has been some delay in the publishing of this report but it has been a useful learning experience for all of us. I hope sincerely that all the limbs of law enforcement would gain considerably by reading this detailed report and the drafting groups would incorporate the suggestions made for improvement of the training modules.

Poornima Advani

Member

National Commission for Women