

Pratibimb



ISSUE 8: NOVEMBER 2013 – JANUARY 2014

A REFLECTION

Vishakha Guidelines. PAGE: 3 | Who are the Homeless. PAGE: 8

SIC FACING MANPOWER SHORTAGE: CIC

→ Stating that "politics is dominating" each and everything in Jammu & Kashmir, Chief Information Commissioner (CIC), G R Sufi, said that the State Information Commission (SIC) is grappling with manpower shortage to implement the Right to Information (RTI) Act in letter and spirit.



Insight

Delhi is home to thousands of homeless people. This group of population migrates to the city driven by various socio-economic factors. This addition reflects the issue of homelessness, it's cause and effects.

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EDITORIAL

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ED'S DESK

IGSSS has in place, a policy and set guidelines, to prevent violence against women and a committee to address if any such issue arises.

● Violence against women in all forms is unacceptable. The status of women and children is an indicator for the development of any society. However, in India, the status of women with regard to socio – economic positioning, education, health, property rights and their overall standing contextually to development indicators is distressing.

Gender Inequality at the root and the Culture of Complicity need to be addressed for ensuring any form of gender equity and eradicating violence against women. Right now we are in the midst of a time where the issues concerning Women's Rights and Development is largely debated upon. As individuals and organisations, we need to step up and seize this opportunity for developing a constructive mechanism towards establishing a just society for women. A combination of efforts that address inequality as well as income, education, health, laws and other facilities can significantly reduce both violence and its consequences.

IGSSS has in place, a policy and set guidelines, to prevent violence against women and a committee to address if any such issue arises. Besides, we constantly ensure sensitivity and deeper understanding of issues related to gender equality among the staff. We intend to take this forward to our partners across India.

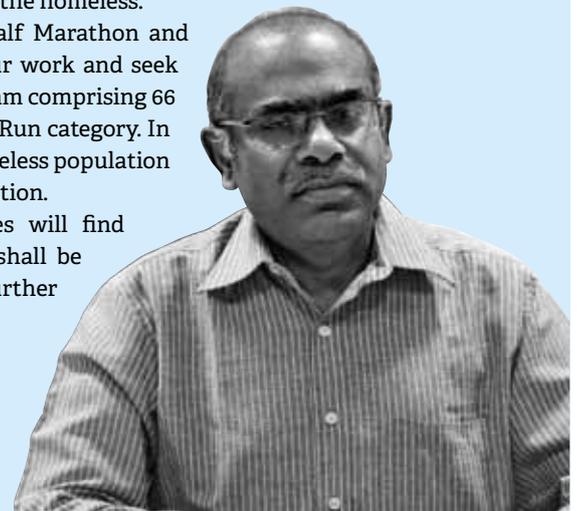
IGSSS's work with men and women in different contexts across the country and our personal experiences as women and men engaging with such contexts have led to the creation of platform where women who are victims/survivors of violence and violation could voice their experiences freely, without fear of censure or discrimination. IGSSS created a website for women called Sammukh and www.sammukh.org is our response to this call and need.

In this issue of Pratibimb, a writer discuss about Vishakha guidelines and how this could be improved upon to cover more and more women whose safety at work place is at risk. One of the writers expresses her view on article 377 and its relvance in a free and modern society. This issue also tries to understand the issue of homelessness and the context of the homeless.

IGSSS participated in Airtel Delhi Half Marathon and it was an opportunity to share about our work and seek support from the larger society. IGSSS team comprising 66 members participated in the Great Delhi Run category. In this event we focused on the issue of homeless population in Delhi. A brief review is given in this edition.

I hope the readers and well wishes will find this issue of Pratibimb useful and we shall be very happy to get your feedback for further improvement.

JOHN PETER NELSON



Vishakha Guidelines

- The Safety Mirage

Essar Batool

CAPACITY DEVELOPMENT EXECUTIVE, KASHMIR

Women since time immemorial have been subjected to varied forms of violence within the confines of her home or in any form of her engagement beyond the threshold. Changing times and transformation in gender roles and social norms have seen women discover many facets of her own identity, one amongst which is her giant strides and increased participation in the global work force. However, the age old mindset of categorizing women as a sexual object pervades, exposing her to a different dimension of violence in the form of 'Sexual Harassment' at the work place.

The case of a social worker from Rajasthan, who was raped by 'Upper Caste Men' because of working against child marriage, and especially for belonging to a lower caste, brought the whole issue of sexual violence at workplace to a larger level. The Supreme Court in 1997 in the case, Vishakha vs. State of Rajasthan and Others, recognized the danger to women at workplaces and laid down the Vishakha Guidelines, that every private and public office was required to follow. The guidelines not only laid down a redressal mechanism for sexual harassment against women employees, but also specified provisions against the discrimination of any sort against a woman employee. It is aimed at providing a safe working environment not only for the employed women staff but equally extends to those who are contributing voluntarily.

The guidelines constitute the following as sexual harassment at workplace:

- a) Physical contact and advances;
- b) A demand or request for sexual favours;
- c) Sexually coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature





These guidelines are not enough to address those workplaces that are small scale and where women work in conditions that threaten their safety.

The guidelines go beyond redressal to prevention of sexual violence, through awareness about the guidelines, forming Gender Committees headed by a woman employee with not less than half women members to look into complaints of sexual harassment. The employer is made responsible for the prevention of sexual harassment and also to help and support the woman employee if a third outside party is involved in the harassment. The woman is given a choice of seeking either her own transfer or that of the accused, and it is made mandatory in the guidelines that an appropriate work environment viz a viz health, leisure and hygiene be maintained for to ensure that the woman has no reason to believe that she is disadvantaged as against her male colleagues. The guidelines also provide for the

creation of a platform where workers can initiate issues related to the sexual harassment at the right forums of employer-employee meetings.

The guidelines however need to have directions for a monitoring body to overlook the implementation of the guidelines. Also there needs to be a provision for constant gender sensitization of employees from time to time to deal with the rigid gender stereotypes. The small scale workplaces, such as labour work force are areas where these guidelines fall short, and therefore the women working there are still vulnerable to harassment. In the absence of a specific criminal law against sexual harassment, Vishakha guidelines need to be strengthened along the said lines to deal with ever increasing incidence of sexual violence.

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Gayatri Mahar

ASSISTANT MANAGER, CLIMATE CHANGE



Section 377 of the Indian Penal Code (IPC) is a descendant of an archaic law from the colonial British rule, which described same sex acts as “unnatural”. It was incorporated into the IPC in 1860. The section reads: “377. Unnatural offences - Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

Over the last few decades the rights of homosexual, lesbian and gay community was voiced by diverse groups across the country championing their cause to live a life of dignity and without fear.

Seeking legalization of same sex intercourse between consenting adults the Naz Foundaion, an NGO filed PIL in the Delhi High Court in 2001 which was refused by the Court in 2003 citing that the petitioners had no locus standi in the matter. Naz Foundation appealed to the Supreme Court against the decision of the High Court to dismiss the petition on technical grounds. The Supreme Court decided that Naz Foundation had the standing to file a PIL in this case and sent the case

back to the Delhi High Court to reconsider it on merit. Following this in November 2008 the seven-year-old petition finished hearing and a historic judgment came up on 2nd July, 2009. The Delhi High Court ruled that section 377 of the Indian Penal code – which dates back to 1860 and prohibits “carnal intercourse against the order of nature with any man, woman or animal” - was unconstitutional, and lifted the ban on gay sex for consenting adults.

Recently in December 2013, the Supreme Court of India set aside the Delhi High Court's verdict, which had decriminalised gay sex among consenting adults in private in 2009. The verdict has not only shocked and disappointed the Lesbian, Gay, Bisexual and Transgender (LGBT) community and gay right activists but also opened discussion among the society on the continued relevance of Section 377 of the Indian Penal Code. The voice to decriminalize the homosexual

In a free society what two individuals do in the privacy of their home should not be a matter of concern for anyone else as long as they are not indulging in any crime.

practices between consenting adults in private by amending the section is being raised by the one school of thoughts. However, the judgment is supported by non-liberal section of the society mentioning that the gay lifestyles are opposed to Indian culture.

In my opinion every individual is free to choose their own sexual preferences as long as they are adult and consenting and not harming anybody. In a free society what two individuals do in the privacy of their home should not be a matter of concern for anyone else as long as they are not indulging in any crime. Our constitution also guarantees equality, freedom of expression and personal liberty to all its citizens under the article 14, 15, 19 and 21.

The anti-gay law in the country had resulted from British colonialism and the irony is that in July 2013, Britain legalised gay marriage after Queen Elizabeth II gave her royal stamp of approval. However, India has remained stuck to such an archaic piece of legislation that discriminate one group of people against another. When we talk about homosexual issues we should keep in mind that they deserve equal rights like their basic civil, political, social and economic rights, right to non-discrimination and to be free from violence.

It is high time for India now to act against the draconian Section 377 of the IPC and take a humane stand and honour the basic fundamental rights of freedom and equality of the sexual minority.



Role of Right to Information

in Promoting Effective Governance in Jammu & Kashmir



I GSSS Kashmir and Koshish, a local NGO, organised a one-day consultation on the role of Right to Information (RTI) in promoting effective governance in Jammu and Kashmir. The consultation focused on initiating a long term dialogue on people centric good governance with different stakeholders.

The State Consultation was attended by 80 participants including Mr. G. R. Sufi, Chief Information Commissioner for Jammu and Kashmir (J&K), representatives from civil society organisations, senior journalists, academicians, judicial officials, government officials, RTI activists, lawyers and human rights activists.

The panelists deliberated upon RTI in J&K and its effectiveness in the context of conflict, corruption and lack of awareness. Mr. Masood Hussain opined that implementation of RTI is one of the historic development towards ensuring just governance in Kashmir. However, he rued the fact that lack of cooperation by Government officials is impeding its adequate execution. Dr. Jehan Ara Jabeen, expressed her concern regarding the lack of state initiative towards spreading awareness about the RTI Act. Noted political commentator and Director of Institute of Kashmir Studies (IKS) Prof. Gul Muhammad Wani shared that some degree of transparency is apparent in the system since the implementation of RTI Act. He further

stressed on ensuring legitimacy in governance which in turn will check corruption and will lessen the difficulties of common masses.

Raashid Maqbool, Editor, Rising Kashmir, shared that media has been performing its role to the fullest capacities in J&K for strengthening transparency. He said that RTI has helped them to get information for their news campaigns regarding corruption and accessibility to social services.

Mr. G. R. Sufi, Chief Information Commissioner for J&K said the Commission's mandate is to implement the law in order to promote transparency and accountability. He further stated that it is also the duty of RTI users to ensure effective follow-up action on the information obtained by them from different Public Information Officers (PIOs).

IGSSS appreciated the proactive role of J&K State Information Commission in taking forward the essence of the right to information. The use of RTI by the communities in Kashmir has significantly helped to bring some accountability at grassroots level which was supported by civil society groups and media in taking forward the agenda of development in J&K.

The Consultation was organised as part of the EIDHR programme implemented in Baramulla and Bandipora districts of Kashmir and supported by European Union and Welthungerhilfe.

WHO ARE THE HOMELESS?

Kirti Mishra
MANAGER, URBAN POVERTY



Home embodies a physical place where one normally lives. It lends comfort, security, a sense of dignity, space and envelops the inhabitants with a feeling of belongingness and hope. However, for a segment of population living in urban India, home is roadside, pavement, under flyover, drainage pipes, along railway lines, religious sites such as temples and mosques, parks and railway stations, shacks on vacant land and at construction sites and the like.

The common thread that runs through the life-stories of most of these homeless residents is that their state of homelessness is a matter not of choice but compulsion. There are communities from drought-prone and flood-prone areas that migrate to the metropolis in search of meeting the most basic of all needs - food. In the state of their origin, they were small farmers or labourers but once in the city, they eventually end up branded as beggars, encroachers, drug-peddlers,

waste handlers and those involved in flesh trade. To them the city has offered neither dignified source of livelihood nor dwelling. City life according to them is de-humanizing yet there's no choice but to endure it.

Similar is the case of single men who are seasonal migrants and youth from poverty stricken pockets of the country who land up in cities due to poverty, unemployment and lack of direction and take up odd jobs in food catering industry, wholesale markets as loaders, ply rickshaw or find casual labour work

Garland making a source of livelihood for the homeless women



through contractors and clients at labour posts.

Other significant categories amongst the homeless are low-income, stable residents of the city who live their lives in informal settlements and slums, providing critical services to the city residents. Evictions and wrongful rehabilitation plans play havoc with their lives and they end up thrown on the streets.

A third category among the homeless is made up of women, children, the elderly and the sick, victims of trauma

and accidents and those needing mental health care. Break down of families and abandonment by caregivers is a sad reality with which the social and development workers are presently grappling in the context of these homeless profiles. This may assume alarming proportion in cities particularly in case of the elderly, the sick and infirm if due attention is not accorded by concerned departments mandated to work for the above. Free service providing, habitable old age homes are few in numbers, not many mental health homeless patients manage to find a bed in the mental health institutes, and there is dire need in the metropolis for making health facilities accessible to homeless women, particularly the pregnant and lactating women.

Urban homelessness is symptomatic of things gone wrong in the cities as well as in rural areas from where large number of communities have migrated. At the most basic level, self-sufficiency of rural economies need to be restored so that distress migration is brought down. As a nation where level of urbanisation will be 50 percent by 2039* cities have to be designed better for all segments of society - a range of dwelling options need to emerge such as shelters (short stays, permanent), hostel arrangements with nominal pay options, and affordable public housing options for the low-income groups.

Such dwellings through state-support would ideally cater to the bottom rung and the economically weak who unlike the middle class, cannot be left to the market forces. Municipal Corporations, Social Welfare Department, Health Department, Shelter Boards, Labour Welfare Department are some of the key duty bearers apart from the Ministry of Housing and Urban Poverty Alleviation who with the allocated resources, innovation and commitment can bring in the significant change. One core area for state action is also of protecting existing urban livelihood in the informal sector through legislative processes and due implementation as well as to create better livelihood opportunities for the population belonging to the bottom rung.

IGSSS looks at the solution to the issue of homelessness in terms of a continuum where at one end of the spectrum are shelters provided by the state, ensuring that nobody is forced to sleep on the streets and at the other end is affordable housing, with a series of options in between. Working with the homeless and slum communities, the programme seeks to build cadre of community leaders who are aware of their rights and take up proactive initiatives with various stakeholders to improve their life situations. IGSSS is reaching out to more than 33000 families under its CityMakers Programme in 25 cities in 13 states and 2 union territories. Engaging with media, duty-bearers and Judiciary are core areas of the Programme. In Delhi and Bengaluru IGSSS is directly implementing the Programme.

* India's Urban Demographic Transition (The 2011 Census results-Provisional), JNNURM Directorate, Ministry of Urban Development & National Institute of Urban Affairs (NIUA) December 2011.



A Homeless Winter

Delhi recorded lowest minimum temperature in a decade at 2.4 degree Celsius on January 11, 2014. IGSSS is running a winter campaign for the homeless people providing breakfast and dinner, sleeping bags and Wind Cheaters. A Night Vigil team is periodically visiting homeless shelters and other areas to provide emergency services.

Mukesh Dubey
MANAGER COMMUNICATIONS



Clockwise from top: Huddled together... all for a sleeping space; homeless people live on the pavements near Hanuman Mandir, Connaught Place, new Delhi; Finally a home... a resident at the shelter home at Regarpura, Karol Bagh; Preparing the day's meal at the shelter for Women and Children at Regarpura, Karol Bagh.

Airtel Delhi Half Marathon 2013

ON 15TH DECEMBER 2013, IGSSS participated in the sixth edition of Airtel Delhi Half Marathon (ADHM), 2013. A group of sixty six members of the IGSSS team and also the homeless residents participated in the event. Welspun Energy Limited ran in support of IGSSS as the corporate challenge team and fielded 10 of its employees

IGSSS participated in the event to raise awareness on the issue of Urban Poverty and homelessness. It also raised support for Winter Campaign for the homeless people, who struggle every winter to survive the harsh cold of Delhi. Many of them die on the streets without adequate shelter facilities, food and warm clothes. Through the Winter Campaign, IGSSS aims to provide comfort and warmth to the homeless populace during the biting cold.

With faces painted in blue and banners held high, the team IGSSS was an eye-catching sight. Motivated by the cause and enthused with the spirit of athleticism, everyone gave their best to finish the Great Delhi Run of six kms which started and finished at the Jawaharlal Nehru Stadium, New Delhi.



SAMMUKH A WEBSITE REPORTING VIOLENCE AGAINST WOMEN LAUNCHED



IGSSS launched sammukh.org - a website on reporting cases of violence against women. Sammukh, launched on December 16, 2013, aims at creating an outlet for voices of women survivors of violence and help in devising strategies for coping and change, based on such shared experience. The website will eventually provide 'closure' to the cases reported, connecting them with concerned authorities for redress of any kind. The website will additionally provide information on gender issues, policies, movements and campaigns nationally.

'Sammukh' literally means 'face to face' - this is an attempt to encounter and visibilise the discourse on Violence Against Women (VAW) that has been often relegated to the realm of the domestic and public.

There has been much debate since the episode of the brutal gang rape of the young woman on a cold December night in Delhi last year. IGSSS work with women in different contexts across the country; its personal experiences in such contexts have collided and intersected in this search for a platform where women who are victims/survivors of violence and violation could voice their experiences freely, without fear of censure or discrimination. sammukh.org is our response to this churning, to be rolled out in a phased manner over the year.

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