

In Prison For No Fault of Theirs



THESE are a few examples of the injustice being perpetrated on women prisoners and undertrials in the jails of Bengal and Bihar.

The worst case are those of women who were raped and were kept in custody. Under criminal law, there is a provision that a raped woman may, if she is homeless be kept in protective custody to give testimony in court. However, she is not supposed to be kept there for an indefinite period of time.

On September 15, 1980, Maya Barui was coming to Calcutta from a small town called Banga. Some men tricked her into going with them to a brickfield where they raped her. She reported them to the local police station. The police arrested two of the men. The Alipur court ordered that Maya be kept in Presidency jail, and transferred the case to the judicial

magistrate's court. The two rapists were imprisoned for a short while and then released but Maya stayed in prison for four years.

Finally, in September 1984, on the initiative of some activists, Maya was presented in court where she stated that she wanted to return to her presents in Burdwan.

Maya reported that there were 25 women in the prison under circumstances similar to hers. No cases had been filed against them. Among them were Jyotsna Mistri, aged 21, who has been in prison since the age of 13, and Neela Vishwas, aged 17, who has been in prison since she was 10 years old. In spite of repeated appeals that they be presented in court, no action has been taken. Appeals have been filled in court on their behalf.

Kamla was in Howrah jail simply because she had filed a case after she raped. She and her baby girl were released from prison after their story was published in a local newspaper in August 1984.

Some women end up in jail simply because they were involved with men who were declared criminals. Once such women is Rita Baidya, aged 19, daughter of a supervisor in Shivpur botanical garden, south Calcutta. Over the last two years, Rita had developed a relationship with a taxi driver named Swapan. They were planning to get married. In August 1984, Swapan was suspected of having been involved in a bank dacoity in Salkiya. The police were unable to apprehend him but got Rita's address from his abandoned car. They then raided Rita's house, seized some of Swapan's

letters to her and also made off with Rs 22,000 belonging to her father. They arrested Rita and her father who was suspended from his job.

Rita was pressured by the police to disclose information about Swapan's whereabouts. Rita said she knew nothing of his activities or whereabouts and if he was in fact a criminal, she did not want to marry him. The police refused to believe her and subjected her to torture. She was given electric shocks as a result of which she temporarily lost the power of speech. When the newspapers reported this, the home secretary intervened and got her released on bail. Medical examination confirmed that the electric shocks had benumbed her, physically and mentally. The police, however, denied having administered electric shocks to her, and said they had

only used a lie detector. It was later proved that the money recovered from Rita's house was the price of some property in Bangladesh that the family had sold. The police superintendent, Sultan Singh, who was primarily responsible for the torture of Rita, tried to bribe and threaten her father into withdrawing the case. Her other relatives too were threatened. A few days later, Swapan's mangled body was discovered by the police.

Pritikana, aged 18, resident of Shrikrishnapur in 24 Parganas, was seduced by a neighbour who promised her marriage and eloped with her to Bangladesh. There, he deserted her and made off with her jewellery and cash. In this helpless condition, she was picked up by another man who kept her for a while and then abandoned her. She set

out in search of work and reached Dhaka. There, she was apprehended and, since she did not have migration papers, she was shut up in the central jail. In spite of several attempts made by local and Indian activists to free her, and publicity in the papers, neither government has acted in the matter, and she still remains in prison.

Another woman, Kantidevi, resident of village Mahadev, Bihar, was killed merely because she was found with her male lover. She was severely beaten as a punishment for having an affair, was implicated in a false case of theft, and sent to jail where she died.

This is merely the tip of the iceberg. Systematic study needs to be done of the conditions of women prisoners, who are suffering intensely, many of them for no fault of their own.

(translated from Hindi)

A Women's Group Takes Up a Challenge

THIS is to put on record the struggles of a large number of hitherto unorganised labourers, working in the coal yards of Ahmedabad, who have now organised themselves with the help of Ahmedabad Women's Action Group (AWAG). It began with AWAG's decision to raise awareness amongst disadvantaged groups of women. We began to visit the women labourers at coal dumps.

There are three major transshipment points in Ahmedabad—Sabarmati, Asarwa and Kankaria. At the Sabarmati coal dump, coal is transferred from broad gauge wagons to metre gauge ones. The railways get this job done through contractors who have been in the business for generations. At the Asarwa and Kankaria yards, the wagons of coal are handed over to consignees by the railways. These consignees employ agents known as *marfatias* to bring the consignments from the yards to the textile mills. The *marfatias* employ *mukadams* who hire labourers to unload the wagons, load the trucks and take the

consignments to the consignees. When AWAG made its first round of the three worksites, we found that all provisions of the Contract Labour Abolition Act were being violated. For example, there were no attendance registers, no wage registers, no employment cards. There were no basic facilities like washplaces, urinals or waiting sheds. The payment made to workers was very low.

AWAG filed a civil application in the Gujarat high court, under public interest litigation, asking that legal provisions be applied to these workers. The legal wrangle now revolves on two major points: who is the principal employer of these labourers, and which labour department—state or central—is responsible for them? The contractors, the consignees, and their agents disown responsibility. So do the railways and the labour departments.

Most of the labourers are harijans and tribals. There are also some men and some widowed women from Rajasthan. The *mukadams*, some of whom have

risen from the ranks of harijan labourers, hire the labourers in groups. Women usually do the job of unloading wagons and men do the job of loading trucks. All of them use shovels supplied by the *mukadams* for which they have to pay Rs 2.50 a day as rental. Each group is given work for about four hours and is paid Rs 40 which is to be divided amongst six people. The labourers are paid after 10 days. In the intervals, they take advances. Accounts are kept by the *mukadams* who are the final deciding authorities on the amount due to each labourer.

After each shift of four hours, the labourers wait for the next to begin. There are usually two shifts in a day. A third shift is rarely available. The yard opens at 8 a.m. and work goes on up to 8 p.m. At times, the workers are forced to do more work than they can since the work is very strenuous. At other times there is no work and they are shooed away.

In December 1983, we started work in Ranip where the labourers of Sabarmati

coal dump live, and in June 1984, we started work in Memco where some labourers of Asarwa live. We succeeded in getting them some water taps and latrines. We used to visit them to inform them of the progress of the proceedings in the high court. The *mukadams* warned the labourers that they were bound to suffer if they listened to us.

On the night of July 29, 1984, the labourers were visited by the landlord Nawab Bhai. He was in a drunken rage. His men kicked the doors of the huts and warned the labourers that they should vacate the space in a day's time. The terrified labourers contacted AWAG the next day. We met the landlord and succeeded in pressing him to allow the labourers to stay there until they had found another place to settle.

The next cry for help came on September 10, 1984. Around 8.15 a.m., a 20 year old labourer, Hirumal Ratna, was fatally injured when a wheel fell from a truck on his head. He lay in a pool of blood for two hours before he was taken to the hospital. The labourers immediately struck work even though the *mukadams* threatened them with dire consequences. The labourers were very upset by Hirumal's plight and also worried because they remembered that, in the past, no compensation had been paid to victims of such accidents. They discussed the matter and decided to approach AWAG for help.

AWAG workers visited the hospital where they found that Hirumal lay dying. The *mukadam* had left one of his men there, pretending he was a sympathiser, but the workers were terrified of him. Next morning, the labourers continued their strike and their discussions. They were interrupted by threats from the *mukadams*. That afternoon a meeting was held. AWAG suggested that an appeal be instituted in the high court by Hirumal's father, that an appeal be filed under the Workmen's Compensation Act, that the labour commissioner be asked to intervene, that a protest march be taken out and that the strike continue until action was taken by the *mukadams*

or the government. The labourers agreed to put their thumb impressions on a memorandum to be submitted to the labour commissioner. A total of 160 men and women signed — for the first time in their lives.

The next day at 10 a.m., the protest march set out for the labour commissioner's office. We had assumed that a few of the 160 signatories would turn up. But from 8.30 a.m., labourers started pouring in. The *mukadams* tried to coerce the workers back to work. They also abused AWAG members. We

Subsequently, a union was formed and registered on October 1. The strike was called off next morning. AWAG workers were asked to be present at the worksite. The *mukadams* tried to make trouble by insisting that the labourers agree to pay demurrage to the railways. The police intervened and a compromise was reached.

Legal proceedings are now underway. From the response of the labourers through these three weeks, AWAG feels that the union will become a permanent feature of the labourers'



Beginnings of protest—the labourers' rally

decided not to carry on an argument with them.

About 100 women and 500 men marched, along with four AWAG members. Surprisingly, the labourers raised their own slogans and shouted louder when they passed by the offices of the *marfatias*. Leaders emerged spontaneously from the group and encouraged the protestors.

When we reached the office, a deputation of four women, three men and three AWAG members went in. Though we had given prior information of the march, the labour commissioner and the assistant labour commissioner were away. The deputy labour commissioner accepted the memorandum on their behalf.

lives. About 450 workers came to the meeting to form the union, and decided to pay Rs 5 each per month as union membership fee, even though AWAG suggested an amount of Rs 2. The insistence on paying a higher amount indicates their willingness to do their utmost for the union.

AWAG had to face many odds. Our resources, human as well as financial, are terribly limited. The burden of the whole undertaking fell on five AWAG members. But the absolute trust labourers put in us was very rewarding. As a recently instituted women's action group, we have the satisfaction of doing something which was not a part of our immediate action plan.

—Usha, Hina, Shubhra,
Nayana, Ila, Amina