Violence Against Women In India

Suffering Continues Despite Progress All Over

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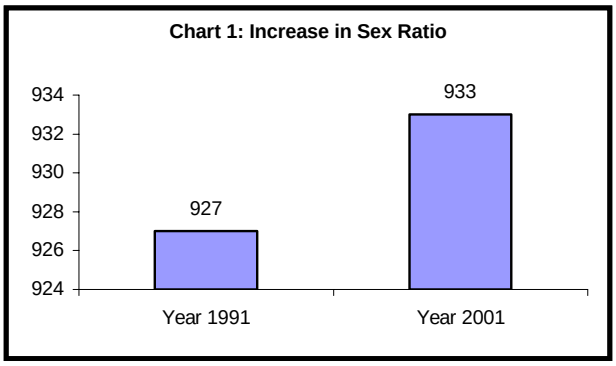
I. Introduction

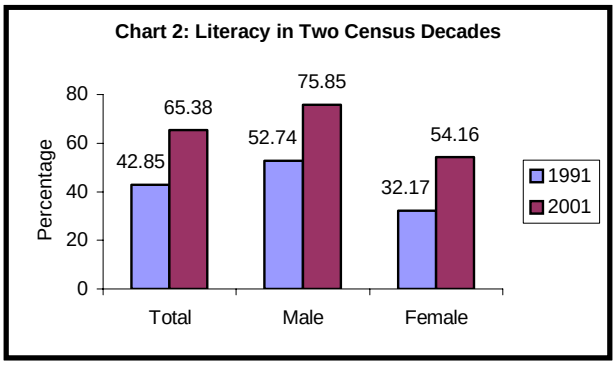
Newspapers and periodicals of all hues in India often carry reports about violence against women. These include among others incidents of young brides being burnt for bringing 'insufficient' dowry, women dieing in abnormal circumstances, rape on hapless women and molestation of young girls. In some cases there are public protests by women activists and such protests receive media coverage. Deaths of women are extreme outcome of ill treatment, psychological abuse, or physical violence suffered by women. On the other hand domestic violence suffered by women on a regular basis in the form of psychological or physical abuse goes unreported. Very rarely do women themselves file police cases against the ill treatment meted out to them. A few women who escape death end up in shelter homes, but the majority continue to live in marital union and endure abusive behaviour.

Attempts to address the issue of violence against women have been lopsided and shortsighted. For example, the Dowry Prohibition Act, which was passed in 1961 and amended in 1984 and 1986, emphasises marital violence in the context of dowry only. While inadequate dowry may be one of the underlying causes of harassment of women, in rural poor households, where dowry is either non-existent or is only a token payment, there are other causes of abusive behaviour. Immediate 'shortcomings', negligence or failure in performing duties expected of wives or daughter-in-law also lead to violence. These causes may reflect the deep-rooted gender inequalities that prevail and persist in most regions of India.

It is in this backdrop that violence against women and some of the best practices being followed in the country to address the menace are being examined in this paper. The paper begins with profiling of Indian women with respect to a few selected socio-economic indicators. It delineates vulnerability nexus, which is adverse to poverty reduction and sustainable human development. It talks of dimensions of violence against women, including culturally sanctioned forms of violence. It then goes on to review best practices of combating violence against women. Lastly, it chronicles Disha's experience in the field and draws certain conclusions.

II. A Profile of Women





Women are principal providers of care and support to families. Yet every social indicator shows a fundamental social bias and inequality. The latest Census (2001) data showing six point increase in sex ratio (number of females per 1,000 males) between the Census years 1991 and 2001 have come under cloud and doubts have been expressed whether women were under-enumerated in 1991 or they were over-enumerated in 2001. During the 10 year period between the two Census, considerable progress has been made in the domain of literacy. During the period under review overall literacy increased by 34.46 percentage points – that of males and females by 30.46 and 40.60 percentage points, respectively. Similarly progress has been made with respect to indicators like health and nutrition, female workforce participation, female life expectancy, female infant mortality and maternal infant mortality.

India is among the poorest countries of the world. According to the Human Development Report[1], India occupies 162nd place in nations' list of gross national product (GNP). Poverty estimate about India shows that 44.2 per cent population lives below $ 1 a day and 86.2 per cent below $ 2 a day. As a result quality of life in the country is poor. Under five mortality rate per 1,000 was 83 in 1998 and life expectancy at birth in the same year was 64. Public expenditure as percentage of GNP was 3.2 in 1997 and net enrolment ratio in primary schools 77. Public expenditure on health as percentage of GNP was just 0.6 in 1998, infant mortality rate per 1,000 live births 70, total fertility rate (births per woman) 3.2 and maternal mortality rate per 100,000 live births 410. All these critical indicators contribute to the vulnerability of women, leading to all kinds of abuse and exploitation.

Clearly these data point to low human development in the area. The human development index identifies three basic parameters, literacy and education, expectation of life at birth and measures of material well being. In this scenario, there is a vulnerability quotient, which is adverse to poverty reduction and sustainable development (figure 1).

[1] *Human Development Report 2000-2001*, the World Bank

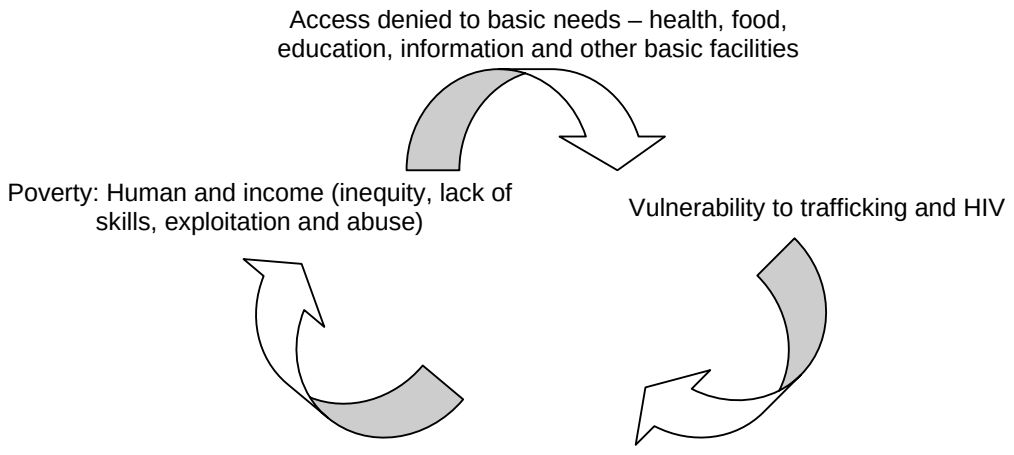


Figure 1: Vulnerability nexus – adverse to poverty reduction and sustainable human development[2]

In vast rural areas of the country and in majority of urban India, mindset about women has not changed much. Women continue to be subjugated: under control of father from birth to before marriage, under husband in her married life and under son after demise of her husband. She is discriminated against men ever since she opens her eyes in the world. Not only this. In these days of modern technology like ultrasound test and amniocentesis, she is discriminated ever since she exists in the womb of her mother and has to die before birth. As she grows up violence is perpetrated on her making her life even more miserable.

III. Dimensions of Violence

Violence is perpetrated on women both inside and outside her home. Domestic violence comprises all acts of intimidation and aggression which forces a woman to seek redressal by breaking the silence imposed on her by a patriarchal culture[3]. This operational definition of domestic violence, however, does not include the culturally sanctioned forms of violence (such as, unequal access to the household resources or other restrictions), unless challenged by the women or others on her behalf. Minimally construed as the physical, mental, emotional and sexual abuse of a woman in her intimate relationship, such violence in the Indian context includes intimidating acts by the members (both men and women) of her marital family. Often condoned by culture, such systemic violence enforces gender inequality by curtailing a woman's freedom and right to self-determination. In turn, the climate for violence is created by the prevailing disparities (on the basis of his/her gender) in an individual's entitlements to the family

[2] BETI Foundation, Report of Workshop on Children and Women Vulnerable to Violence, Trafficking, Sexual Abuse and HIV: UP and Uttaranchal, 2001, p. 8

[3] Poonacha, Veena and Divya Paney, Responses to Deomestic Violence: Government and Non-Government Action in Karnataka and Gujarat, *Economic and Political Weekly*, Vol. XXXV, p. 566

and community resources. Here the focus on marital violence is not to negate the existence of gender violence or inequalities in parental home.

On the other hand violence against women takes place in shape of eve teasing, rape, murder (after rape it is quite common), trafficking, etc., both at their place of work and outside it. While data on the first three are difficult to find at the all India level because 'law and order' is a state subject, considerable data is available on trafficking. According to a report[4], between 5,000 and 7,000 girls are trafficked, from their most deprived living environments to exploitative physical and social situations, into India from Nepal, most of them under 18. Girls as young as 13 are trafficked from Asia as mail order brides. In addition girls are trafficked to India from Bangladesh and from poorer states to more affluent ones. The popular routes are from Nepal to Indian states of Uttaranchal, Uttar Pradesh, Bihar and West Bengal, and from Bangladesh to Indian state of West Bengal. They are powerless to protest, thus at risk of violence.

Lastly, in cases of widespread violence, like communal violence, women are worst sufferers. Even if they are not physically harmed during such violence, they go through considerable trauma because their family members are killed and harmed and their property damaged, ransacked and set afire.

IV. Best Practices of Combating Violence Against Women

All kinds of violence against women outside domain of her home are essentially administrative, police and legal matter. Voluntary organisations/civil society organisations have little role to play in this, except for mounting pressure on the official machinery to act in a non-partisan manner. Lower level officials who deal with such cases are often lured by the enticements of the perpetrators of crime and work in such a manner that is against the spirit of criminal justice. In such cases the organisations mount pressure on the officials by reporting the matter to the higher officials, or to various bodies constituted for women like National and State Commissions for Women.

Of late the government has come out with woman police stations, called Mahila Thanas, in major cities of almost all the states of the country. These woman police stations have inherent problems: their coverage is entire district; they are ill equipped in terms of communication and mobility; and their human resource is drawn from other police stations of the districts concerned. Moreover, the woman cops are not tuned to the kind of work they are expected to do – on one hand woman cops are trained to act firmly with criminals and on the other while they are in women police stations they are supposed to act with sensitivity with women. Lastly, they have to engage themselves in normal policing duties, with long stretches of working. Under these circumstances, it becomes quite difficult for them to discharge the role at the woman police station.

[4] Saran, Sathya, Could You Be Sold for a Song, *Femina*, April 1, 2002, p. 104

As far as domestic violence is concerned responses are varied and multi-layered and they are subsumed in the overall struggle for gender justice[5]. These strategies may be broadly categorised as those that seek to prevent/eradicate domestic violence and those that react/respond to such instances. Encoded in these broad categories are a variety of responses, which may be further delineated on the basis of their target groups and their expected outcomes:

1. Attacking the Roots of Violence (Preventive Measures)

   a. Through Theory Building

      Developing a social analysis of violence through research and documentation

      Understanding the extent and limits of the law and the criminal judicial system

      Ensuring that these theoretical insights are disseminated to the field staff and social workers of the organisation

   b. Through Intervention Strategies

      Identifying and monitoring vulnerable families to prevent violence

      Creating new options by developing skills (self-confidence, employment, political consciousness, etc.)

      Creating economic opportunities for women

      Empowering women with the knowledge of their rights

      Providing them with information about the various government welfare programmes and helping them to access them

      Providing women with the necessary socio-cultural space to conceptualise and articulate their issues

      Sensitising the community and the bureaucracy to the issue of domestic violence and its illegality

      Media publicity given to the issue of domestic violence

      Campaigning for gender just laws and reform in the criminal justice mechanism

2. Reacting to Instances/Issues of Domestic Violence

   a. Through Theory Building

      Documentation of cases and conceptualising experiences

      Systematically documenting the procedural lapses in the criminal justice system

   b. Through Intervention Strategies

      Extending material support to the women

[5] Poonacha, Veena and Divya Paney, Responses to Deomestic Violence: Government and Non-Government Action in Karnataka and Gujarat, *Economic and Political Weekly*, Vol. XXXV, p. 571

Enabling her to access economic resources, information, etc.
Shelter/short stay homes
Counselling
Medical aid/therapeutic assistance
Legal aid
Establishing support systems and monitoring cases of violence
Child care (hostels, foster care, schooling, etc.)
Raising community/neighbourhood opinion against wife beating
Initiating collective community action against domestic violence
Mobilising men and women from other mass-based groups, trade unions, etc.
Garnering community support for the women survivors
Bringing community pressure on the perpetrators of violence to change their behaviour pattern and ensure the safety of the women in their marital home
Educating violent men to refrain from family violence
Collaborating with the state agencies to provide adequate services to the victims
Training medical/legal and other personnel to respond adequately to the victim's needs/rights
Educating the police to develop new attitudes and skills in dealing with gender violence
Pressurising the police to enforce the law, follow suitable legal procedures and prosecute the perpetrators of domestic violence
Set up an accountability mechanism and monitoring police handling of violence cases and police behaviour
Using litigations and test cases to improve the performance of the courts
Challenge and confront the courts to comply with the laws
Networking and advocacy towards effective policy change and evolving support systems

Interfacing with their larger struggles for social/gender justice, these strategies have been used to a lesser or greater extent by various organisations. They attempt to prevent/root out domestic violence through various socio-economic and awareness programmes for women and pressurise the state to bring about socially sensitive legislation. Further to empower women, many organisations are experimenting with innovative methods. They have experimented in forming local women's collectives. These collectives ensure that the agenda for action is locally determined. Furthermore, through effective networking between collectives, the individual local collectives are not isolated; they have the confidence in the support of the collectives from the neighbouring villages.

The way the organisations react to domestic violence that the inadequacies of the measures become evident. These inadequacies are largely due to the paucity of funds and

the failure of the state to provide infrastructure (such as telephones, helplines, etc.) and the lack of support/referral services (such as shelter and childcare facilities). There are no crisis centres providing women and children with protection against domestic violence, particularly in the night. They are unable to access state-run shelter homes without following lengthy procedures. These shelter homes are spartan and unwelcoming. They do not have medical aid or other facilities to make women and children feel cared for and protected.

Given the paucity of funds and infrastructure, voluntary organisations have devised many innovative strategies which are cost effective. They use local village/community councils to effect conciliation. Furthermore, to circumvent the costly and lengthy legal procedures, organisations work towards out-of-court settlements, which are often recorded (to maintain the appearance of legality) on stamp paper. The main clause included in such agreements is that the man or his family members will desist from violence. If such actions fail, organisations (particularly those working in the rural areas) use shame and social boycott to enforce male accountability. Women's collectives confront violent men and make them recognise that such behaviour is unacceptable. Recognising the strength of collectives, these women's collectives have been able to enforce police action. In addition, organisations have collaborated with the National Commission for Women to speed up the settlement process through the women's courts.

V. Disha's Experience

Disha Social Organisation is a voluntary organisation based in Saharanpur district of Uttar Pradesh and is active in rural areas of Saharanpur district and Dehradun, Uttarkashi and Tehri Garhwal district of Uttaranchal. During its 18 years existence, it has assiduously worked towards wiping tears of women who become victim of violence of all sorts. It may be noted here that Saharanpur (and Western Uttar Pradesh in which the district falls) is notorious for violence against women because of its unique socio-cultural setting.

Given the constraints of funds, space and human resource before the organisation, it is taking both preventive and reactionary measures to challenge instances of domestic violence. Every year it is providing training not only to its own field staff, but also to the field staff from other organisations. It is providing new options/economic opportunities to women by facilitating formation of their self-help groups, whose latest count is over 600 and most of them belong to women. Women are provided knowledge of their rights through holding of awareness campaigns and camps and through street plays and puppet shows. They are also provided information about various government schemes. Attempts are being made to help them access benefits of these schemes through panchayats. Instances of violence are given due media publicity by holding press conferences and issuing press releases. Cases of violence are documented (for details see the box 1). Moral and material support, legal aid and medical aid are provided to the victims. Counselling to

the parties concerned is a major part of the strategy to provide relief to women victims. Often the organisation mounts pressure on the police to act according to the set norms and follow due procedures and not to buckle under the pressure of the accused party. It is also carrying out advocacy and networking at the regional, state and national level and has taken up several cases effectively with the statutory bodies.

Most of the cases of violence against women coming to the organisation pertain to domestic violence – violence committed on hapless women by their husbands, fathers-in-law, mothers-in-law and brothers-in-law. The reason of such harassment ranges from not bringing enough dowry in marriage to looks of women to extra-marital relations to suspicion of theft to anything possible under sun. Intensive dialogue with the 'warring' factions by the organisation's functionaries is the most common tool to solve the problems of women. But still there are many instances in which such dialogues do not yield results and the cases either go unsolved or are taken to the relevant authorities in the quest of a solution.

A Women Cell has been created in the organisation to provide space to the work being done among the women. The Women Cell has devised strategies for interventions being carried out in extending succour to the harried women. The most notable of these is the mechanism of Nari Adalat (Women's Court). Organised on 24th of every month it takes up all the cases 'registered' during the intervening period. Prominent people from the area/village of the victims are invited to the Nari Adalat to seek a solution to the problems being faced by victims.

Ever since the Women Cell has come into existence, it is laying great emphasis on documentation of the cases. Each case is duly 'registered' and proceedings, including happenings during field visits to verify the facts, are recorded in detail. This helps in follow up of the cases. The Women Cell keeps an up-to-date repository of various cases. It has also engaged a woman lawyer to advise it on legal ramifications of various cases. This lawyer also contests cases in courts, if necessary.

Often the Women Cell solves cases forwarded to it by the police. Yet the relations with the police are not very cordial because the cell functionaries keep a vigilant eye on the functioning of the police (often because of corruption) in cases of violence against women. Normally in such cases it is able to mount pressure on the local police by taking up the matter with the higher police officials, and if that fails, with the National Women's Commission, the apex national level body promoted by the government.

Recently, the organisation participated in a study being carried out by a network of women's organisations on the magnitude of violence against women in Uttar Pradesh. Disha covered western UP, which is notorious for violence against women. Field work has been completed and study report is under preparation.

Box 1: Case Studies from the Women Cell

1. At that time R was an innocent girl of five years. Her father used to sell snacks at a stall near their home. One day her mother asked her to carry her father's lunch to him. When R was walking towards his stall, two outsiders who had come to her village abducted her and raped her. Her condition deteriorated so fast that her parents had given up hope of their child being saved. When Disha's activists heard about this incident they rushed to the victim's home. They immediately took the matter to the police station and then took the child to the hospital. The treatment was just in time to save the child's life. However once the culprits were traced by the police, there was a danger that they may kidnap or murder the child to destroy evidence against themselves. Then arrangements were made by Disha to send her to a child care home in a different state where she is receiving good education. The accused were sentenced to ten years imprisonment.

2. N was a 13 year old innocent girl and a neighbourhood boy kept trying to flirt with her. Somehow he succeeded in taking her to a place near Hardwar where he sold her to some bad characters. They subjected her to mass rape. After some time she gave birth to a child. Then the bad characters sold her to another person. In this way she was sold several times. Finally she reached Panchkula. Here one day in the market she spotted a truck driver from her village. She managed to whisper a message to him that he should tell her parents and Disha to rescue her from here. As soon as Disha activists got this news from the driver, they went to Panchkula and rescued N with the help of the police. However, the problems of N did not end even now as her family refused to accept her. Disha had to convince them repeatedly to keep her for a few days while Disha activists searched desperately for a good groom who would accept N along with her child. This was difficult but fortunately they could find such a person and N was married soon to him. Thus she found a new family although all hope appeared to be lost at one state.

3. G faced several problems in the house of her in-laws and felt that if she went to a city to live separately with her husband then her life would improve. After coming to Hardwar with her husband she realised that her husband was engaged in illegal work and frequented known bad characters. When he started bringing these friends to home with evil ideas, G ran away to her parents home. Here also criminal type of characters came to intimidate her but Disha activists reached just in time to intervene on G's behalf so that a satisfactory agreement could be worked out.

4. R is a 16 year old dalit girl. Her parents were working in a field and she was carrying tea for them when two boys dragged her to a sugarcane field and raped her there. Her mother found her bleeding badly and carried her straight to Disha's office. Disha's activists took her to Bajoria Hospital in Saharanpur where the lady doctor harassed and humiliated her further. Still Disha helped her to the extent that they could in the difficult situation. Influential people now started approaching Disha to save the two culprits. But Disha resisted all such overtures and worked to secure suitable punishment to the cruel culprits.

5. Fifteen year old S had an affair with a neighbouring 20 year old youth and they made plans to elope. However, the family of S came to know of this plan. They cut her hair, chained her and locked her in a small room. Disha rescued her and then settled the dispute amicably before this could become a long drawn feud between the two families.

VI. Conclusions

From what has been presented above it is clear that violence against women is endemic in India. The reason is women in the country are highly vulnerable because of poor quality of life indicated by rampant poverty, lack of education, high under five mortality, poor health status, high fertility rate and high maternal mortality rate. Also contributing to the violence against women is societal mindset about women that has not changed much. Violence is perpetrated on women both inside and outside her home.

The government and voluntary organisations are making efforts towards ending/minimising violence against women. The efforts of the government are in the shape of enacting relevant legislations, issuing orders and launching various women welfare schemes. But their implementation remains tardy, as the lower level government functionaries are not gender sensitive. On the other had the voluntary organisations are taking both preventive as well as reactionary measures. But efforts of the voluntary organisations suffer from paucity of funds and infrastructure. Yet in this rather bleak scenario, many voluntary organisations have devised several innovative strategies to combat the menace and been successful in wiping tears of hapless women.