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**Need of the hour: Political response to Violence against Women
A perspective from India**

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Introduction

It is a great privilege to be invited to participate in the Southern African Conference on this important and very personal issue. I use the word personal because at the end of the day violence against women gets personalised in her body and to that extent is always inhibited in its political articulation. Yet, thanks to the International Women's Movement, thanks to the courage of the women at the grassroots, violence against women has been made visible and today we can have official conferences to discuss how to deal with it.

I wish not only the women of this region but men and women of the whole world to be able to join hands in preventing violence against women – a symptom. I am constrained to say of deep-rooted unjust perception of the value of a woman, perpetuated and intensified by the economic and political impulses and incentives, within all our countries.

As I bring you a perspective from India – I would also want to raise our consciousness with how inter-regionally, i.e. SADC (Southern African Development Community) to SAARC (South Asian Association for Regional Cooperation) – the official configuration of 7 South Asian countries can bring to bear, on global governance, the collective political and economic advice of women; an agenda for action from the politico-legal to the cultural and communication media strategies.

South Africa is hosting the NAM Summit in August 1998 and taking over as the Chairperson of the NAM Bureau. Violence against women is one of those cross cutting issues that runs across region, culture, class and race. Here is a 'pole' – an issue around which we can build our voice. There is not much time before us. I hope we will be able to take one step forward as societies of the South out of this meeting.

I shall divide this paper into the following three sections:

- I. Characterisation of Violence against Women in India
- II. Information which is available in terms of sources of data
- III. The responses to Violence i.e. initiatives taken to prevent violence in India

This section is further divided into the following:

- A. Legal Initiatives i.e. response by the state
- B. Response by agencies such as the National Commission of Women and other such semi-autonomous bodies which can be called semi-official
- C. Response of what is called Feminist Activism

Section - II

Characterising Violence Against Women in India.

In India, violence against women exists across age cycles changing its forms from foeticide, to female infanticide, to rape of young girls, their sale into prostitution; onwards to a very high maternal mortality rate during women's reproductive age, wife-battering and Dowry deaths in the middle ages and in the old age and other forms of violence by the family members in widowhood.

Violence could emerge from various sources :

- ◆ One form of violence is that which springs from the traditional source - namely Male disregard for females due to particular kinds of 'male' self-perceptions (what can be called sexism);
- ◆ Another springs from women focussed discrimination e.g. the punishing focus on women for control of fertility; the extraordinarily poor health; and the high morbidity and mortality rates of the girl from birth to old age.
- ◆ The third form of violence is the one which springs from the macro economic and political issues - such as the development policy, i.e. sex-tourism etc., policy leading to disparities in income, the persistence of poverty; displacement and state repression etc.
- ◆ The fourth is violence that springs from Social and Political Crisis such as alcoholism by men perpetuates violence towards women in various forms; conflict including armed conflict; racism; and other forms of "differences" such as conflict based on communalism in India (i.e. assertion of Hindu-Muslim "difference" or caste difference).

The specific acts of violence can occur both in the private and public spheres and can often include state-condoned terror. Violence in the public sphere has been the focus of mobilization to a greater extent as the ethical implications for society are more explicit. Violence within the home is more widely accepted as "the natural order of things" integral to the continued functioning of families. In many cultures acts of violence against women by known persons is not perceived as a violation but within the bounds of men preserving the stability and honor of their families. Therefore the murder of a woman who is found to be engaged in a sexual

relationship outside of the traditional bounds is justified homicide in the laws of several Latin American and Asian countries.

Yet the experience of violence by known persons is the most endemic and pervasive. Reliable population based data on violence within the home are extremely scanty but the available data do point to its pervasiveness. Around 40 studies worldwide indicate that that one-quarter to one-half of the women sampled reported physical abuse by intimate partners. Of those physically abused by their partners, 50-60% reported being also sexually abused. (4) Other studies also indicate that women are at most risk of violence from known persons than strangers. A 1987 study in Sao Paulo of 2000 battery cases found that in 70% of the cases women were related to their assailants. In the United States it now a widely accepted fact that women are more likely to be assaulted, raped, murdered by know assailants than by all other types of assailants. **Domestic violence or partner violence** or intimate violence is clearly the most universal experience of violence that most women face. It is also this form of violence that is critical to address if women are to have the right to health, security and peace.

In India, the issue of violence has been on the forefront of the agenda of the women's movement for the past twenty years. There have been a plethora of women's organisations working on the issue providing support and curative services, mobilizing social discourse, pressing for legal reforms and so on. India provides a rich experience of the varied strategies that the women's movement has attempted to raise the issue of violence against women.

Section - III

Information which is available in terms of sources of data

There is limited data available to gauge the extent of violence. The one major source of national level data is bulletin Crimes Against Women produced by the National Crimes Bureau. (I have summarised the information at the end of this section) This is an aggregation of registered police cases from the different states. Unfortunately, this source of data is not comprehensive because a) many complaints are not registered as cases given the patriarchal bias of the police and b) many acts of violence, especially that which occurs within the home, is not seen as cognizable offense.

Apart from this one national source, there is no other systematic compilation of data. There have been attempts by various NGOs providing support services to women to build information base by compiling newspaper reports. But these are sporadic and uneven in terms of regional spread. Some NGOs have attempted to present a broader understanding of the dimensions of violence by analysing their own case records or interviewing activists, medical professionals, police with whom they have come into contact in the course of their work. Among these, one prominent publication has been Within Four Walls by MARG which sharply highlights the different types of abuse that occur within the Indian family.

Another source of data which is scattered is the various community-based studies undertaken by various social science researchers. Most of these studies are very small in sample size and have a fairly narrow focus. While they cannot be generalised, they do point to some interesting trends.

Based on the limited data what can one say about the level of violence against women in general and domestic violence in particular.

- ◆ Rape has increased from 6355 cases in 1985 to 12531 cases in 1994 (of these 30% of the rapes were of children less than 16 years)
- ◆ Kidnapping & Abduction increased from 8440 cases in 1985 to 12998 cases in 1994
- ◆ Dowry Death from 837 to 4935 in the same period
- ◆ Molestation from 15160 to 24117
- ◆ Eve-teasing (Sexual Harrassment) from 3531 to 10496
- ◆ Torture (Mental and Physical) 13,450 to 25946

Total 68317 to 98948

In 1994, a woman was killed for dowry every 106 minutes, sexually harassed every 50 minutes, raped every 42 mins, kidnapped every 40 mins, molested every 22 mins, and tortured every 20 mins.

Torture is the main section under which cases of domestic violence are registered. This data reflects only the cases which are actually registered by the police.

The available community studies on domestic violence, mostly focussed on wife beating, show a reporting rate ranging from 22% to 66%.

The contributing factors to domestic violence as revealed by community based studies are drinking, gambling, dowry demands, sterilisation, improper preparation of food and financial difficulties. As most of the studies have focussed primarily on poor communities there is no significant information on socio-economic factors. One study of three villages in Karnataka indicated that violence increases with the education of the man and shows no relationship with that of the woman. But such analysis is very limited as there have been no studies based on a wide cross section of the population.

Statistics that is collected by the Ministry of Home Affairs on crimes against women can be categorised according to the Home Ministry's book as follows:

A. The Crimes Identified Under the Indian Penal Code (IPC)

- i) Rape (Sec. 376 IPC)
- ii) Kidnapping & Abduction for different purposes (Sec. 363-373 IPC)
- iii) Homicide For Dowry, Dowry Deaths or their attempts (Sec. 302/304-B)

- IPC)
- iv) Torture, both Mental and Physical (Sec. 498-A IPC)
 - v) Molestation (Sec. 354 IPC)
 - vi) Sexual Harassment (Sec. 509 IPC)¹
 - vii) Importation of girls upto 21 years of age) (Sec. 366-B IPC)

B. The Crimes Identified Under the Special Laws (SLL)

Reprehensible social practices such as commission of Sati, demand for Dowry, trafficking of women for immoral purposes etc. are identified as offences punishable under the following special social enactments to safeguard women and their interests specifically. They are :

- i) Commission of Sati (Prevention) Act 1987
- ii) Dowry Prohibition Act 1961
- iii) Immoral Traffic (Prevention) Act 1956
- iv) Indecent Representation of Women(Prohibition) Act, 1986²

Incidence of Crimes - National (1991-95) (IPC)

The crime head-wise incidence reported during the years 1991 to 1995 along with the percentage variation in 1995 over 1991 and 1994 is as follows. Also, see annexures for tabular representation of the same.

In 1995 at all India level 106471 cases were registered under Crime Against women wherein women alone see the Victims) compared to 8948 cases in 1994 and 83954 cases in 1993. In absolute numbers the figure indicates upsurge of 7.6 percent in this year over 1994.

The available data indicates a considerable increase in the cases registered for all crimes against women except 'Sexual Harassment' when declined by more than half (54.7%).

Paedophillia

The incidents of Child rape 'Paedophillia' averaged around 2 cases per day in the country. Such cases rose from 734 in 1994 to 747 in 1995 thereby showing a marginal increase of 1.3 percent. Child Rape victims accounted for 4.5 percent of the total victims during 1992, 5.2. percent during 1993. 5.6 percent during 1994 and 5.4% during 1995. About 71 percent of such cases were reported in only 5 states and one UT viz. Madhya Pradesh (107), Maharashtra (120), West Bengal (78), Andhra Pradesh (77), Uttar Pradesh (76), and Delhi (71)

¹ This was Referred to in the past as eve teasing

² Refer Crime in India 1995. N.C.R.B. Ministry of Home Affairs, Chapter 7 - Crime Against Women. Page 219

Custodial Rapes.

The input forms were revised to include the annual data on custodial rape cases and their disposal by police courts. In all 6 cases of custodial rape were reported during the year in the country (excluding States of Bihar, Gujarat, Meghalaya & UT of Daman & diu as the data in revised schedule was not available from these centres)

Kidnapping & Abduction.

For Kidnapping and abduction, the crime rate at the national level was 1.5. the crime rate increased by 0.1 in this year. The highest rate was noticed at Rajasthan (5.3) followed by Assam (4.5). as many as 9 states and 3 UTs witnessed higher crime rate in this form of crime over the national figure.

Dowry Deaths

Dowry deaths recorded a marginal increase in rate (0.6) in 1995 compared to the preceding year (0.5), UT of Delhi (1.5), Uttar Pradesh (1.3) and Haryana (1.3) continued to maintain a higher rate of over 1 in this year also.

Torture

Torture (Cruelty by Husband and his relatives) suffered by women showed an increase in crime rate by 0.5 in 1995 (from 2.9 in 1994 to 3.4 in 1995). Once again, this form of crime continued to be the major crime and also in crime-rate (3.4) in all crimes reported against women in 1995. Maharashtra reported a significantly higher rate (10.2) followed by Rajasthan (6.6)

Molestation

Crime rate for 'molestation' increased by 0.4 in 195 compared to 1994 (from 2.7 to 3.1). the crime rate was highest (10.2) in Madhya Pradesh followed by Sikkim (7.9). as many as 10 States/UTs recorded higher crime rate over the National average of 3.1

Sexual Harassment

'Sexual harassment' compared to the preceding year (1994) recorded a declining crime rate by 0.7 at All-India. Delhi UT recorded at the highest crime rate at 2.0. in all as many as 7 states/UTs recorded higher crime rate over the national average (0.5)

Importation of Girls

Data regarding cases of 'importing of girls' registered under Sec. 366-B of the Indian penal code are available from the year 1994 for analysis. A rise of 14.4 percent was recorded in the cases over 1994. Of the total 1891 cases reported in

the country, 5 states viz. Andhra Pradesh 964), Punjab (27) Gujarat (21), Madhya Pradesh (17) and Maharashtra (13) together shared 74 percent of the total cases. Though crime rate for this type of crime in the above states needs attention and concern of the Law Enforcement agencies.

Crime Trends - (special Laws)

Dowry Prohibition Act

The following table provides the details on cases registered under Dowry Prohibition Act during 1991-1995

Sl. No.	Year	Cases Registered	% change over previous year
(1)	(2)	(3)	(4)
1.	1991	1841	-14.6
2.	1992	2102	14.2
3.	1993	2679	27.5
4.	1994	2435	-9.1
5.	1995	2814	15.6

During 1995, there was a significant rise in the cases reported under this crime-head by 15.6% compared to the previous year 1994. In this year also, bulk of such cases (90.0% of total) have been reported from the States of Bihar (982), Uttar Pradesh (653), Karnataka (337), Tamil Nadu (319) and Orissa (249)

Commission of Sati (Prevention) Act

Cases Reported under this Act for the years 1991-1995 are provided below.

Sl. No.	Year	Cases Registered	% change over previous year
(1)	(2)	(3)	(4)
1.	1991	17	-67.3
2.	1992	1	-94.1
3.	1993	5	400.0
4.	1994	2	-60.0
5.	1995	27	1250

Bihar and Uttar Pradesh increases of 48% and 21.75% respectively over 1994 while Karnataka reported decrease of 26.2 %

Immoral Traffic (Prevention) Act

The incidence of Immoral Traffic reported during the years 1991-1995 is presented below.

Sl. No.	Year	Cases Registered	% change over previous year
(1)	(2)	(3)	(4)
1.	1991	14639	-10.9
2.	1992	12580	-14.1
3.	1993	12496	-0.7
4.	1994	10132	-18.9
5.	1995	8447	-16.6

The incidence reported under Immoral Traffic (Prevention) Act continued to show a declining trend. It had a desirable fall of 16.6% in this year compared to the previous year. The States of Tamil Nadu (5110), Karnataka (1851), Maharashtra (560), Andhra Pradesh (507) and Union Territories Delhi (125) have been enforcing this Act with considerable effort compared to other States/UTs. The above 5 states registered almost 96.5 per cent of the total cases reported in the country in this year. The law enforcement agencies of the above States/UTs found enforcement of this Special Act as vital and the cases were registered as preventive drive in containing the social evil. In contrast, the other States/UTs hardly enforced this act as revealed from the number of cases registered by them. This aspect may merit the attention of the enforcement authorities.

Indecent Representation of Women (Prohibition) Act.

The collection of data under this Act has commenced since recently. A total of 539 cases were registered in the country in 1995. Andhra Pradesh registered the highest incidence (357), followed by Maharashtra (109).

**Section – IV
Responses**

Strategies for Response: Responses to the issues of violence against women have been wide ranging from campaigns for legal reform to providing counseling and shelter to introducing special police cells to sensitising police, judiciary and others in involved support services work to innovating new forums to deal with issues of violence outside the existing legal structures.

Campaigns for Legal Reform: Two major issues that have been taken up for legal reform are rape and dowry deaths. While there had been an understanding that rape laws were intrinsically biased against the woman, it was the rape case of Mathura in 1979 that galvanised activist efforts to press for legal reform. Mathura was a tribal

girl from Chandrapur district in Maharashtra who complained that she had been raped in the police station in the middle of the night. The High Court of Bombay convicted two policemen of raping a minor girl. However, the Supreme Court of India overturned this judgement and acquitted the policemen. The basis for this dismissal was that there was proof that Mathura was not a virgin but no proof that she had actively resisted intercourse. Because of her past conduct, the judges inferred that she could have even wanted to resist the sexual act.

This open expression of patriarchal and upper-class bias of the Supreme Court judges sparked a sharp reaction with leading lawyers publicly criticizing the judgement. Women activists got galvanized and some important women's organizations got formed to fight for reopening of the case and amending the existing rape laws. Forum Against Rape in Bombay was formed and was able to collect 10,000 signatures for a petition submitted to the parliament pressing for a reopening of the case. March 8th became Women's Struggle Day with demonstrations, street plays, small meetings in colleges, schools, offices, poster exhibitions and so on. In the course of the campaign, the women's movement was effective in focussing attention on custodial rape as a new offense that had to be included in the criminal code. There was also the clear demand that Evidence Act had to be revised so that the presumption of absence of consent was the starting point of any prosecution of rape. It was interesting that opposition to such a reversal of the burden proof could be overcome by showing that it was already a feature of Indian law in cases dealing with in customs and fiscal cases.

Community Action and Public Shaming:

The mobilisation around dowry deaths was equally intense and introduced several new elements. Apart from large demonstrations, the campaign was very much localised with mobilisation within the immediate community where a dowry death had taken place. New feminist organisations that sprouted in the 80s consciously monitored stories of unnatural deaths and intervened immediately without waiting for a request for help. An example of such action was in the case of Suparna Sengupta who was burnt to death in Delhi in 1990. When there was neither arrest nor investigation, activists of a women's group in the area marched to the house where the murder had taken place. There they were threatened by the son in the presence of a lone police officer. The women refused and with the crowd that had gathered forced their way into the house. Within a short time the crowd became 300 and demanded arrest of the husband and in-laws. As the crowd would not back down, the police finally accepted the demand and arrested all the family members. And more importantly, the mobilisation translated into continued support as the case dragged through the legal process. In addition to community mobilisation, public shaming of the culprits and social ostracization of the families involved were also effectively employed in many instances.

Throughout the eighties, Indian society witnessed numerous struggles on issues of dowry deaths, custodial rape, abductions of women, sati, female infanticide (especially urging ban on amniocentesis), sexual harassment of young girls and women in public places commonly referred to as "eve teasing", trafficking

and prostitution. It is the unique tribute to the intensity and effectiveness of the work of women's organisations that almost every single issue of violence against women addressed by women's movement between 1980-89 resulted in legislative reform.

Support Services: In the course of campaigning on issues of violence, organisations extended their efforts from demonstrations and meetings to providing support services. In most states of India there are anywhere from 100-300 NGOs offering legal and counselling services. For example in Gujarat there are 72 counselling centers, 11 shelter homes and 19 women's centres. The government sector has also been equally active in the provision of support services mainly through the Dept of Women and Child Welfare. In addition many of the government programmes targetted for literacy, nutrition, income generation have also started to provide some form of legal aid to women.

How successful and sustainable these support services have been is still an unanswered question. The experience is varied and it is in fact quite critical to undertake a more systematic analysis of these existing services. But one trend that is clearly seen is that more and more organisations providing support services are forced by the needs of the women to expand their services as to cover the entire range from shelter to legal aid to emotional counselling to job training. There seems to be a horizontal expansion for each organisation rather than a networking between organisations. This raises very important questions that need to be debated within the community about how to most efficiently provide the wide range of services required, how best to coordinate between organisations which have different ideological perspectives and how best to avoid territoriality which seems to driving the over-stretching of resources by most organisations.

Special Police Cells: India along with Brazil was one of the first countries to introduce the concept of special police cells. The special police cells are of two types - one is a cell which is attached to a police station and has primarily social workers attached to it. These social workers provide legal aid and counselling to the women who come to the station to file complaints. In addition these social workers interface with the police to ensure that proper information is noted on the complaint which is critical to determining whether the case can be registered and to prod proper investigation of the case. As these cells work with the normal police stations they are always in danger of having the police pushing women complainants to counselling that to take up the matter. The cells have had to therefore struggle towards a cooperative working arrangement with the police and in the course of practice gender sensitise the local officers. The experience of these cells in Mumbai has been very successful and there are now plans to extend this type of cell to the districts in Maharashtra.

The second type of special police cell is all women's police station. The concept of this type of police cell has struck a chord and almost all states have instituted all women police station. While concept is tantalizing, in practice these stations have run into significant problems. First is that women police officers are not significantly different from men police officers in terms of attitude about the

cause of family violence and the resolution. Two these cells are mainly located in large cities. Three in many cities there is only one such police station as a token to indicate the state concern for women. Most women find it difficult to come to the station as it is usually located in one locality of the city. Due to lack of adequate resources the police officers in these stations are usually not proactive, they do not follow up on reports but await actual complaints. An even more serious problem is that there is a sense of marginalisation for the women police officers as they feel they are being kept out of actual police work and thereby their routes for promotion are narrower.

Gender Sensitisation Programs : Numerous NGOs have engaged in a broad range of gender sensitisation programmes with police, judiciary, administrators and so on. One of the interesting initiatives has been by Sakshi, an NGO in Delhi, which conducted a detailed survey of judges to understand their attitudes towards the question of violence against women. Based on this survey, they have evolved a specific training workshop. It is rare that gender sensitisation programmes are carefully crafted for the specific group to whom it is aimed.

Other Avenues : There has been increasing discussion of utilising traditional local structures such as the caste and or village panchayats for resolution of domestic violence. These local councils traditionally arbitrate conflicts between families and are responsible for maintaining and ensuring 'honour' of the community. Given the patriarchal attitudes, the caste panchayats tend to ensure that traditional values are maintained. In recent years there is increasing evidence that they have in certain parts played an active role in literally murdering young women and men who have formed liaisons outside of the caste norms. It can be extremely dangerous to rely on these traditional structures to provide redressal for women. At the same time however, there is an increasing need felt that 'criminalisation' will not be effective and that it is important to formulate interventions that would impact on community norms, especially the acceptability of violence. The strategy of shaming seems to work only in the case of an extreme form of violence or intolerable intensity. In fact there has been little work to understand what extent of violence is accepted, what level is considered intolerable and why as well as understand who are the key point persons in the community/family in either evolving these norms or ensuring the implementation of these norms.

Yet two heartening examples which are precisely trying to evolve alternative structures should be mentioned. In one village, a low caste man used foul language (which many women consider as violence). The women went to rural women's collective and called a meeting of the entire village. A case was registered with the police but the man was able to bribe the police to ignore the case. The women's organisation however fined the man Rs 600 (twice the amount the bribe he paid) and levied a penalty that he could be beaten each woman twice with her sandals. The man paid the fine and the penalty was withdrawn. So a strong women's organisation was seen as a power for women. (There are of course problems with this example because there was an element of caste politics involved and one is not sure if the caste of the man made the violence more unbearable and thereby ensured

community support). But the imposition of penalties and direct action by women was reported in numerous instances during the course of the anti-liquor movement.

The other example is that of the evolution of a woman's court. In one district of Gujarat, women who were active in a government women's empowerment programme felt the need to find ways to redress the question of domestic violence. The community organisers of the programme and village women as they began to feel more certain and assured slowly started to arbitrating cases of family conflict. Over time it has become institutionalised and women hold "court" regularly on Monday afternoons under a Banyan tree. And now these women hear cases from the surrounding village also.

These two initiatives point to the centrality of women's consciousness and feeling of strength in the evolution and implementation of mechanisms that would effectively and provide a valid socially accepted resolution. They also point to the deeply felt need by women to find alternatives to legal redressal where they have to deal with police and face the social shame of their husbands being jailed. It is also because many women do want the families to break up and if there are children involved they will do the utmost to retain custody by remaining within the family. It is this basic ground reality that is often forgotten in policy discussions of activists and researchers and policy makers.

Responses by the State : Some details

The Indian State has been quite remarkably responsive to the call by the women's movement about violence against women. Its latest achievement is a bill against the **sexual harassment of women in work places**. Apart from this law there are a whole series of categories and laws in response which I shall list below.

With regard to the prevention of Selective abortion of the Female Foetus i.e. Female Foeticide and the female infanticide, the demand for legislation to control the use of the technology is also problematic. And if enacted, feminists are skeptical of its effectiveness. Says an activist from Bombay, "we know that even if a law is passed, we will not be able to prevent sex selective abortion of female foetuses. But the law will at least serve to remove the respectability that such tests currently enjoy. In addition, since it will become more difficult, the cost of the tests will increase, hopefully making them unaffordable for the common person".

In response to the increasing Dowry deaths, in 1983, the Anti-Dowry Cell was appointed and in 1985 this became the Crime (Women) Cell under the DCP (Crime).

It was now "restructured to take up the investigation of all important crimes against women" (Report, CWC, 1991:1). In 1989, "following criticisms... voiced

in and out of Parliament” a Committee was “appointed to identify areas of weakness and suggest remedial measures (Report:5).

Observations at the Headquarters of the Crimes Against Women Cell in New Delhi indicated that :

- a. There is growing public awareness of this service, a fact borne out by the increasing number of complaints received. Form 6182 complaints in 1990 in New Delhi, the number rose to 4343 for the first half of 1992.
- b. There is an inherent proclivity to try for reconciliation through discussions within the Cell at the cost of independent investigations and preventive action to avoid further violence and crime. All police personnel see themselves as entitled to sit in judgment on the complaint and the accused. This tendency passes for counseling. Impressions of the Crimes Against Women Cell recorded by members of the public and non-governmental organizations also observed:
 - i) Indifference of the local police officers; lack of awareness regarding the seriousness of issues involved; rudeness in addressing victims.
 - ii) Police officials interfere with the counseling advice given by the voluntary organization.
 - iii) The Cell has very little executive power and is prejudiced against women who want either maintenance or their dowry returned.
 - iv) The personnel in the cell do not have sufficient information about laws relating to women and their implementation.
 - v) FIRs (First Information Reports or official complaints) are not registered in any police station other than that which has jurisdiction over the marital home of the women victim and in which the victim lacks confidence since her husband/in-law have influence over police personnel in that police station.
 - vi) Police advertantly delay cases, and their proper and timely production in courts, thereby causing destruction to valuable evidence.
 - vii) Duty officers are reluctant to record complaints and give a legible copy to the complainant.
 - viii) Police officers misbehave under the influence of alcohol.
 - ix) Dying declarations are not relied upon and give a legible copy to the complainant.
 - x) There is delay in registration of cases.

- xi) Victims are interrogated in the presence of relatives and not separately, denying them the opportunity to speak frankly.
- xii) Prompt action is not taken in matters of cruelty towards a wife or dowry deaths.

Apart from these complaints, the serious problem that continues to dog women is that these special cells now effectively only take cognizance of dowry deaths and dowry complaints.

How do we ensure that legislation does not become counter-productive and does not ghettoize violence? And how do we prevent all other forms of violence especially within the family-from being equated with dowry violence?

Response by agencies such as the National Commission of Women and other such semi-autonomous bodies which can be called semi-official

There are other agencies like the NCW who have specifically dealt with and resolved individual acts of violence against women and therefore demonstrated not only the potential of agencies but also brought political awareness because of their stature amongst the Indian National Organisations. Here are a few case studies to show how and in what ways NCW is working for the cause of eradicating Violence against Women.

Dowry Murder (Delhi)

A young bride was tortured and murdered by her husband, mother-in-law and her brother-in-law was a police constable. The husband and the mother-in-law- were arrested on the basis of an FIR filed at the Police Station but the Police was reluctant to arrest the brother-in-law. The aggrieved party approached the NCW. The Commission took up the matter with the authorities concerned. The constable was arrested and suspended from service.

Harassment of Ms. Mary Roy, interestingly, the mother of Arundhati Roy the price winning author of “God of small Things”, who challenged Discriminatory Christian law of Inheritance (Kerala)

A Christian lady of Kerala Ms. Mary Roy had challenged the inequitable and discriminatory provisions of Travancore Christian Succession Act, Carrying her fight for justice right upto the Supreme court. The court Struck down the offending provision of the Act and upheld her claim of equal share with her brother in intestate succession. However, her brother and mother continued to be in complete possession and enjoyment of her deceased father’s property. In spite of this, the tax authorities started harassing her, demanding wealth tax on the property which she was assumed to have inherited as a consequence of decree. The harassed lady requested the commission to intervene. The commission took up the

matter with the Finance Minister who got the recovery proceedings against the lady stayed.

Murder of a woman at Upper Malki, Shillong.

On receipt of information that an innocent woman was brutally murdered at Upper Malki, Shillong, in October, 1992, the Commission took up the matter with the Government of Meghalaya, for investigation and report. As a result the State Police registered a case under sections 147, 148, 149, 323, 302 and 427 of the IPC against 41 accused persons and all of them were charge-sheeted in the Session Court on 26.11.93. the case is now sub-judice. According to the general policy adopted by the State Government an ex-gratia payment of Rs.50,000/- was sanctioned to the next of kin of the murdered woman, who died in the wake of the disturbances in the area.

Writ filed against glorification of Sati.

A writ had been filed in the Rajasthan High court by Mahila Atyachar Virodhi Jan Andolan seeking to stop the commemoration ceremonies being organised at the Rani Sati Temple at Jhunjunu in Jaipur in connection with the 400th death anniversary of Rani Sati. The National commission for Women and several other women's organisations had opposed the Maha Chani Yagna as it was an affront to women, perpetuating a barbaric custom and violated the provisions of Sati (Prevention) Act of 1987. The NCW Member, Ms. Padma Seth had also sent a fax message to the Rajasthan Chief Minister Sh. Bhairon Singh Shekhawat seeking to ban the Jhunjunu fair. The Rajasthan High Court in its order had directed the temple authorities to desist from glorifying Sati in view of the Prevention act. The order said that the Yagna could be carried out but outside the temple. However, the Mahila Atyachar Virodhi Jan Andolan had filed a contempt petition with the High Court of Rajasthan stating that the Yagna had taken place inside the temple. The High Court in response to the petition had directed the District Administration and temple authorities to reply within three weeks starting from December 2, 1996.

Police atrocities committed on women proceeding in a rally enroute Muzaffarnagar to Delhi on October 1/2, 1994, in connection with the Uttarakhand agitation.

To enquire into the allegations of atrocities by the enroute personnel present, on women proceeding in a rally enroute Muzaffarnagar to Delhi, on October 1/2, 1994, the National commission for women conducted an on-the-spot inquiry in a 4 day tour of Garhwal region of Uttar Pradesh hills. On 13th and 14th, the commission held extensive hearings at Gopeshwar, District Chamoli and on 15th they met the concerned people at Srinagar and Tehri. After meeting women at Tehri on 16th morning, the commission reached Dehradun and heard the women who came there on the 16th.

Before proceeding to the area, wide publicity was given to the tour programme of the commission in prominent Hindi and English newspapers.

Throughout the enquiry the team got the impression that there was much anger and anguish among the public and many women were deeply traumatized by the happenings on the nights of 1/2 October at Muzaffarnagar when even though proceeding in a peaceful rally to present the memorandum relating to their demand for Uttarakhand, the women were suddenly stopped at Muzaffarnagar. It was in the dead of night that all kinds of criminal assaults were perpetrated on them, including use of abusive language, theft and extortion of their personal property, causing simple or grievous hurt, molestation, threatening, stripping as well as rape.

The Commission also found that the District Administration of the districts from which these women hailed, viz. Chamoli, Srinagar, Tehri and Dehradun, were not sympathetic particularly in the matter of providing any relief of succor for assuaging their sense of frustration, hurt and fear. They also did not make any efforts to dispel their fears.

In the report submitted to the Home Ministry the Commission made the following recommendations :-

- (i) such of the police personnel and district authorities who are responsible for the commission of the atrocities on women in connection with the events at Muzaffarnagar who after due enquiry receive punishment.
- (ii) General instructions should be issued to prevent failure on the part of the District Administration to arrange for women police in adequate numbers particularly when they have intention to stop the buses for making arrests/searching of women.
- (iii) The District magistrate and Superintendents of Police should be made aware of their duties towards women citizens particularly in helping them to approach the administration and police machinery even where the reports (the FIRs) incriminate the police - as the police machinery does not have a licence to violate the law.
- (iv) The monetary loss incurred by women should be made good to them after due enquiry.
- (v) The State Government to assuage the hurt sentiments of the women, should not ignore the Muzaffarnagar incidents as on the many episodes but should carry out a serious review of the way of their functioning.
- (vi) Those women who had suffered injuries must also be given compensation to meet the cost of treatment and loss of livelihood for the days on which the injuries incapacitated them for work.

- (vii) Lastly the commission recommended that the Women and child Development programmes in the hill districts should be strengthened so as to provide necessary resources and guidance for income generation activities of women.

Section – V

Response of what is called Feminist Activism

Response from the Women's movement especially the Feminist movement has been nothing short of brilliant. For example, on the issue of rape, there was such interesting discussion that by taking up rape as the key issue of violence against women, we the women were giving an opportunity for judicial pornography as when the court discussed evidence for rape, apart from the embarrassment to the victim, details were asked for, such as penile penetration, semen etc. and then reported in the press.

One of our most brilliant Sociologists Dr. Veena Das proposed to us that we should expand the concept of violence into the **concept of injury** so that all injury against women should be deemed as subject to punishment and within the legal discourse we should include the word injury instead of rape. Then we could include wife-battering, molestation, infanticide, foeticide, unusual maternal mortality, etc. and remove the stigma of rape by broadening it to within the rubric of injury. The second conceptual point which has also been brought up is to use the concept of discrimination – so that violence against women is a form of discrimination and abrogation of rights. Therefore, we need to bring in human rights organisations along with the policy. One affirmative action, where women collectively raise their own consciousness of their strength their sense of self esteem Feminist collective efforts to build self esteem to resist this assault. The women of the anti arrack struggle in India did that. The South Africa Widows Forum whose TV broadcast I was able to watch also tries to bring women together to work out their oppression.

Issues

There are some issues in India which have evoked the collective political 'will' of women and therefore political response in this section I would give two illustrations of these.

(a) Anti-Arrack : Arrack, (a locally brewed liquor) has been the bane of many women in tribal and rural areas. The poverty of the households in such areas was perpetuated by the expenditure of the earnings of the men-folk on the liquor. With liquor consumption, came the associated problems of wife-battering drunken and disorderly behaviour and increased crime. Pushed to the limits the women of the Nellore District of Nellore fought back, and the anti-arrack movement was born. The agitation of Nellore District has been one of the most significant women's agitation in the last decade in India. What makes the agitation unique is that it was spontaneous, local and spread like wild fire convulsing the entire state of Andhra

Pradesh for three years. It was historic in the sense that agrarian women confronted the state and emerged victorious. They reached the pinnacle of success when they forced the Telugu Desam Government to declare prohibition. Unfortunately, these women have had to resume their right in the wake of the recent decision to lift the ban.

The prime cause of the movement was economic - liquor had pushed rural households to the brink, in the light of the deteriorating economic situation of the poor, consequent to the new economic reforms. It is estimated that before the agitation, 70% of the daily wages of men was spent on arrack. After the ban, women have mobilised and managed to save a staggering Rs. 70 crore by merely saving a fraction of the money that was spent by their husbands on arrack.

The Nellore experience has informed the discourse of political parties. A ban on arrack has become one of the populist slogans of the elections. The Kerala Government has banned arrack on a state-wide basis from April 1st 1996. Haryana has banned it, and now Delhi State is being rocked by women's agitation-just as States are adopting it to appease women, women are getting reluctant and breaking "stalls".

The struggle has instilled women with confidence and triggered off other changes in these villages. For example the arrack struggle has been followed by an effective thrift programme which is self-managed. It has also been followed by effective social action by women in groups against social crimes such as the use of female child labour, child marriage, rape and other forms of violence against arrack has a greater value and a wider value than the elimination of liquor from households. It removes or reduces violence, it also builds the self-confidence and strength of women to take collective action against those who treat them with violence.

It is always debatable as to what are women's issues and how women's struggles directed policy. Women's struggles have tended to be against policy, sometime against development, but

There is an example here of what can become (a) a women's issue and therefore a women's lobby-a political platform building, (b) how women's choice of an issue can shift political platforms and how women can influence politics without necessarily being in 'formal political structures'. There is also an example here in Andhra Pradesh of how even though it was a women's lobby that themselves are not included in the formal political process-either being given constituencies or positions in governance. In Uttarakhand, it is women who spearheaded the movement for a separate state, leading militant processions. But 'their issue', i.e. Liquor banning is not being taken up by the male-leadership of the separatist movement.

This last phenomena can be read in both ways-one, that women like to influence politics not necessarily engage in the kind of political structures that are

currently in place and the kind of political characters, men, who occupy those political places. Or it could be seen that men are not willing to give women a place if they spearhead this struggle - a common experience in all freedom struggles (India, Pakistan, Bangladesh, Philippines, Vietnam in which women have been in the forefront.

(b) Female Foeticide and Infanticide : Female Foeticide is a phenomena that is unfortunately evident in both the subcontinent of South Asia and if I may be pardoned to move to a territory which is not my own, in China also. But I am told that in the in between region this is not commonplace. Many attempts have been made to analyse this phenomenon and it seems to boil down partially to the belief that only when a Son performs a death ritual, can the parents go to heaven; and partially to the prevalence of the Dowry system which deters parents from having girls because they are a cost - a painful cost. Again, while this is an Indian phenomenon, Dowry is a widespread phenomenon in other parts of the world too.

Foeticide is a violence not just against the female foetus, but also against the mother, who is made to undergo psychological trauma.

The problem is compounded by the easy availability of technology like ultrasonography and amniocentesis to identify the sex of the foetus. The demographic effects of such practices are not yet significant but could potentially be so if the recent legislation titled Medical Termination of Pregnancies Act is not implemented effectively.

Female infanticide is also rooted in the world-wide perception that women are not as meaningful to society and the economy as men.

What is unique about the problem of infanticide in India is that it is that it is a cultural practice - legitimised by tradition - in many social sections. It is done through abandonment, poisoning, physical violence and stagnation.

Newspaper stories and other research on increasing prevalence of the violent practice of female foeticide and infanticide (definition includes not just the act of killing a child at birth but also gross neglect of her nutritional and health needs during those early years which results in her death) are emerging from different parts of the country. The above is strengthened by census figures that clearly reveal the crisis surrounding the declining sex ratio in India - from 972 in 1901, to 930 in 1971, to 927 in 1991.³

Today research⁴ addressing the regional variations in sex ratio patterns in India in the age group 0-9 and patterns of differential mortality amongst females and males clearly indicates that a lot of the skew actually happens during those

³ This and the subsequent paras have been taken from a report by Rupsa Mallik Feb. 26th 1998. See bibliography at the end.

⁴ S Agnihotri , Juvenile Sex Ratios in India - A Disaggregated Analysis

survival periods - 0 to 2 years age group. Studies also capture the excess female mortality right from age one onwards, which reflects the extent to which the biological advantage of the female infant is “reversed” mainly through the discrimination against the girl children which is a purely socio-cultural process.

Here is a case study of the problem of infanticide in the State of Karnataka.

Tamil Nadu - A Case Study⁵

Female infanticide accounts for 8 % of all female deaths and 16 % of female infant deaths. At least 3500 to 4000 female infants are killed every year in Tamil Nadu.

Female infanticide occurs in districts falling within a contiguous belt. Dharmapuri, Salem, Madurai, North Arcot, Ambedkar, Dindugal and Periyar⁶ districts account for most of the female infanticide deaths. In Dharmapuri district for example 51 % of all female deaths were on account of female infanticide in 1995.

The female male ratio (FMR) in the 0-4 year age group in a number of districts in Tamil Nadu fall far short of the national average of 945 (for the 0-6 age group). That severe discriminatory practices against the girl child (0 - 18 years of age) and in particular the girl baby existed in certain districts of the state was reported in articles dating back to 1986.⁷ However, a field level survey⁸ provides quantitative evidence of skews in the sex ratio. Analysis of this could be indicative of the prevalence of female infanticide in these areas. Today the possibility of tracking the practice is possible because of the availability of disaggregated data. Salem district records an 04 FMR which goes below 900 (876 for the non SC/ST) and provides validity to the numerous newspaper articles which came out in the last decade claiming the rampant practice of infanticide in the district.

District	1941	1951	1961	1971	1981	1991
	0-4 years	0-4 years	0-4 years	0-4 years	0-4 years	0-4 years
Dharmapuri	-	-	-	993	955	905
Salem	1010	1016	990	966	900	849
Madurai	1011	978	988	981	970	918
Thiruvannamalai	-	-	-	-	-	964
Dindugal	-	-	-	-	-	934 *
Vellore	1013	995	998	988	999	962
Kadalur	1007	1015	1017	981	973	970
Pudokottai	-	-	-	-	999	962
Erode	-	-	-	-	964	929 *
Coimbatore	1006	979	987	978	969	966

⁵ This has been furnished by Ms. Rupsa Malik of National Foundation for India.

⁶ Districts renamed, therefore, names may differ from those mentioned in the following table tracking the female male ratio over this century in all the districts of Tamil Nadu.

⁷ S H Venkataramani, India Today

⁸ V B Athreya and S R Chunkath, Economic and Political Weekly, 26 April, 1997

Tuticorin	-	-	-	-	-	964
Kanyakumari	-	-	966	978	997	970
Nilgiris	921	-	998	985	987	968
Thanjavur	1017	1008	997	984	987	965
Tiruchirapalli	1035	1017	1005	994	969	955
Virudunagar	-	-	-	-	-	946 *
Kangeepuram	999	999	1015	986	996	970
Nagapattinam	-	-	-	-	-	971
Tirunelveli	990	1042	986	995	973	955
Sivagangai	-	-	-	-	-	958
Ramanathapuram	1042	1015	995	998	969	960
Chennai	942	928	976	969	987	962
Tamil Nadu	1010	999	995	984	974	948
India	-	-	976	964	962	945

* Indicates the contiguous districts of female infanticide reported areas

A study⁹ provides a historical perspective on the practice of female infanticide in the Kallar Community in Tamil Nadu. The practice of female infanticide among the Kallar community was first discovered and documented by the British. The documentation clearly exposed the British view that saw female infanticide as an indication of the backwardness of a people who need to be developed. Therefore not only were the reasons for the violence located within the community, the onus for change was also put on them. Even today almost always a similar viewpoint prevails vis a vis infanticide where the victim is seen as the violator while the violator turns savior.

Civilization has brought few solutions - only more problems. It has brought in new science and technology that has not only deepened the poverty amongst people like the Kallars but made certain knowledge's redundant like seed cultivation or "paati vaidyam" [grandmother's remedies]. It has brought in the dowry system which never existed among such communities and placed an unbearable burden on the head of impoverished parents and sealed the fate of the girl child. Modern systems of governance have only brought in legal institutions that only straitjacket such issues in the framework of law and order problem and therefore criminalize the "guilty"; this can in no way begin to understand the trauma of a mother driven to kill her own child. Finally the greatest violence of civilization has been the inauthentic reading of the "past" - modern history for example when tracing the roots of this practice stops at a time when economic productivity, the vision of the modern industrial age took center stage. They therefore locate this violence against women in the fact that they were devalued because they have no economic role to play within the community. They are totally unable to comprehend a time when economies did not determine community relationships; they are incapable of grasping a world view in which women are central to subsistence life rhythms of the community where profits and productivity made little sense.

⁹ AWHRC and Vimochana - "Speaking Tree , Womenspeak ."

Another study conducted recently by Dr. S. Sudha¹⁰ has shown what she calls infanticide at age “0” in India. She agrees that amniocentesis - even if legally performed disturbs the conventional sex ratio at birth, world wide, she has shown that even if the tests are expensive, poor couples pay the price to save the “later” cost of dowry.

(c) Commercial Trafficking in Sex – especially children¹¹ : Trafficking in women and children is becoming a serious problem which transcends national and regional borders. The problem must be tackled, since it presents a major violation of human rights. Trafficking can be defined as “the illegal moving and selling of human beings across and within the countries and continents in exchange for monetary and or/other compensation.”¹² Its various forms¹³ include trafficking of women and children for prostitution and has been “ranked by many governments as the third most serious illegal trade after drugs and armaments.”¹⁴

The causes of these crimes in such serious proportions are all interlinked, chief among them being poverty, globalisation and markets, and tourism. In particular, the rise in “prostitute tourism” is a cause for concern.

“Prostitute tourism”, by providing easy access to foreign exchange is a lucrative trade, and one that is becoming a feature of many developing countries. In areas like Korea and Burma, their emergence can be traced to processes of militarisation. The case of Korean ‘comfort women’ for Japanese soldiers during World War II is now well known. Unfortunately, while the Japanese Army has long since left, the trade still thrives in a new form, with Japanese men visiting Korea in large numbers to visit Korean brothels. *Kisaeng* tourism, or guided tours for Japanese men for the purpose of visiting Korean brothels is an established feature of the Korean tourist industry. A matter for concern, though is that in the name of “tourist resources”, and generation of foreign exchange, the Korean government seems to tacitly support this trade. Chung Kyong Mo, editor of the National Times remarked: “...South Korea now suffers a balance of trade deficit of more than two billion dollars. In order to compensate for this the government forces young women to sell their bodies in order to directly earn foreign exchange.”¹⁵ For poverty stricken Korean women, especially from the countryside, desperation leads them to prostitution, from which few can later escape. The same cycle of poverty, tourism

¹⁰ See Sudha, S. Infanticide at age ‘O’ in India, paper presented at a seminar organised by CDS Kerala. ‘97

¹¹ See Jain, Devaki. NCW. 1997

¹² Asian Women’s Human Rights Council and Resistance, “Claiming the Rights of the Trafficked: Trafficking of Women & Children in the Countries of South Asia”, Paper for Representation to the Foreign Ministers of SAARC Countries, December 19th to 20th 1996, New Delhi, India.

¹³ Although there are many forms of trafficking, all equally shocking and condemnable, only trafficking for prostitution will be considered here since we believe this is the most widespread form and affects more numbers of women and children.

¹⁴ AWHRC, op. cit.

¹⁵ Quoted in Yayori Matsui, “*Why I Oppose Kisaeng Tours*”, in Kathleen Barry, Charlotte Bunch and Shirley Castley (eds.), “International Feminism: Networking Against Female Sexual Slavery; Report of the Global Feminist Workshop To Organize Against Traffic in Women, Rotterdam, The Netherlands, April 6-15, 1983”, (New York: International Women’s Tribune Centre, 1984), p. 68.

and the lure of foreign exchange leading to prostitution can be seen in Thailand and Burma. Economic liberalisation, easier trade and exchange between the two countries through the opening of trade and border crossings have increased the incidence of trafficking. Although laws and institutional mechanisms exist to check this trade, corruption in the system hinders its implementation.¹⁶ The transition of prostitution into the sphere of organised crime has further exacerbated the problem. With a well organised 'mafia', and a nexus between criminals and law enforcement agencies and political agents who profit from the trade, it is not surprising that the issue is yet to be successfully addressed.¹⁷

A particularly disturbing trend is the rise in trafficking for child prostitution. India has the dubious distinction of being one of the major centres of this industry, with a large influx of Nepali and Bangladeshi girls. Although information is difficult to attain, studies suggest that 100,000 - 160,000 Nepali girls are working as sex workers in India. Roughly 20% of these are below 20 years of age. With Nepali girls prized for their fair skin, this flow does not seem to be showing any signs of abating. Even worse, with heightened awareness and fear of AIDS, the increased demand for virgin girls has precipitated an alarming drop in the average age of Nepali girls being trafficked. The Central Social Welfare Board estimates that in total, there are almost 500,000 women in India engaged in prostitution. Of these, 2.7 % are Bangladeshi, the majority of whom are concentrated in Calcutta.¹⁸

In Pakistan too, there thrives a flourishing trade in young women and girls from Bangladesh. Karachi is the centre of this trade, with over one million Bangladeshi and 200,000 Burmese women.¹⁹ It is estimated that every day, over 50 Bangladeshi women and children are sent to Pakistan, usually lured by the promise of money and employment.²⁰

The cost is high since every child lost to the trade is one more instance of lost innocence. These costs may not be tangible or measurable, but they exist and are quite high. If wealth is measured not in terms of GDP, but in terms of 'well-being' and 'happiness' of all the people, Asia would be very poor indeed.

The question is: What can be done? Perhaps the first step would be to recognise the enormity of the problem. Trafficking is akin to a modern form of slavery, and is equally abhorrent. Kathleen Barry encapsulates this concept of slavery in her definition of female sexual slavery:²¹

¹⁶ This information has been taken from the authors' general knowledge of the subject and from conversations with women activists at various national and international conferences on the subject.

¹⁷ AWHRC, op.cit.

¹⁸ AWHRC, "Trafficking of Women and Children : The South Asian Scenario", Representation to the SAARC Foreign Ministers, New Delhi, December 1996.

¹⁹ Ibid.

²⁰ UBINIG, "*Trafficking in Women and Children: The Case of Bangladesh*", Dhaka: Narigrantha Prabartana (The Feminist Bookstore), 1995. Pamphlet produced for distribution among the official delegates at the Fourth World Conference on Women, '95, Beijing, China and for the women activists attending the NGO Forum, p.8.

²¹ Charlotte Bunch, and Shirley Castley, "Introduction" in Barry, Bunch and Castley (eds.), op. cit., p. 8-9.

Female sexual slavery is present in *all* situations where women or girls cannot change the immediate conditions of their existence; where, regardless of how they are got into those conditions they cannot get out; and where they are subject to sexual violence and exploitation.

What is important is that female sexual exploitation is not considered separate, but is interrelated to factors such as poverty and the cultural devaluation of women. Any steps to combat trafficking must assess and understand the background of poverty, and the lure of money that leads women and children to prostitution.

These factors are being recognised and attempts have been made to form networks around these issues at the latest World Congress on Commercial Sexual Exploitation of Children (Stockholm, 31 August 1996).

The major gain of the conference was that it focussed on the cause of child abuse and trafficking at a global level for the first time, and the means of eliminating this trade²².

It is widely recognised that there is a clear link between levels of poverty in a particular region and the levels of trafficking in children. The thrust of the argument here too is to intensify the assault on poverty through dynamic local institutions, and to combat trafficking in women and children through the added arm of regional co-operation.

Those engaged in defending children and women from this abuse have asked for recognition of this evil as a crime equivalent to those demanding the worst of punishment. Several recommendations have emerged but the most important is that women's organizations of the region would provide a vigilant, prevention, reporting and rehabilitation squad. They would also do collective campaigning in their countries to stop the supply and the trade. From any discussion of this issue, what emerges again and again is the need for inter-regional co-operation, especially between women's organisations.

Another aspect of violence is the violence against women due to alcoholism of men. There is a widespread movement in India today called the Anti-Arrack struggles. The women are fighting against the kind of assaults on themselves due to over-drinking by the men. The biggest movement on this was in the state of Andhra Pradesh in South India and I have brought a Video called □When the Women Unite□. It shows how on the basis of village level collective resistance and action by women against the overkill of liquor in milk type plastic sachets, the idea spread like wild fire across the whole state without any orchestration or political party support or NGO support (except the literacy primer or adult literacy program of the Government it is said) and led to women forming themselves into a block vote for prohibition in the state and therefore the political party, which had in fact initiated the free sale of native liquor had to take on the platform of prohibition

²² "World Congress Against Commercial Sexual Exploitation of Children, Stockholm, August 1996", The Child Rights Mailing #96/02.

to get the women's vote.

It is a brilliant example of how women politicise a women's issue into a political party issue.

Section – VI

Where do we go from here ?

Deeper causal analysis of violence against women does point not only to patriarchy, not only the crucial issue of disregard for women by men, not only to women's natural inhibition to public reporting, not only to women's protective attitude to the family, but also to the increasing disparities that development is causing, to racism, sexism and armed conflict.

Within every theatre of action, women's bodies are misused, whether it is development, or war or ethnic struggle, communal fight, conquest.

Where do we go from here? It seems to me that there is need for us to fly right above the daily activism and law - while strengthening that level also. There is need for us as the world-wide or a third world women's movement to fly above and raise the political consciousness with men and women about violence.

Let me illustrate from the arena of Development

In taking action and making choices, women are the agents of their own development. She is the subject. But in conventional images and analysis, not enough attention is paid to women's minds. Instead, women become objects for the development agenda.

Women who are toiling at the ground level without even basic amenities (fragile if not negative sources of income, no bread, salt or water", to quote President Dr. Nelson Mandela) are constantly engaged in collective struggle in the countries of the South. Michael Jackson's new song "scream" could be about them. These women are screaming, not crying: they have been pushed beyond crying for attention to their terrible situation. Their food and water resources, their raw material and fuel resources, their personal security, whether in relation to so-called extension services or in relation to armed and unarmed conflict, are all diminishing and they are not finding a way out of this deterioration. Even the minds of their children are becoming distant from them, being filled with unachievable lifestyles and the values of violence, whilst the bodies of their children are forever their responsibility.

Putting their bodies on the line, they are hurting themselves in order to reorder development. But the result of this courage and agency is that women and especially women in poverty are then seen as merely bodies in need of inputs; food (nutrition), health, fertility interventions, shelter, security from physical assault and violence (like rape, female foeticide, dowry murders and so on). This is a reality.

Yet, every action that women take, at the domestic, local or global level, is also an expression of their mind. These actions reflect a women's intellectual and cultural capability, her individuality and creativity, her sense of responsibility.

Two areas where there needs to be more effort is one of the whole issue of male psyche. One is to have a more detailed understanding why men engage in violence and to evolve programmes that interact more proactively with men. There has been the formation of group of men against violence in Mumbai who are trying to focus on generating a wider consensus that violence is unacceptable and also working with male perpetrators.

The other area where there has been little work is programmes targeting youth, male and female. In fact there is every little effort being expended to introduce the issues of violence within school curriculum. A related issue that is being felt is that there was very little consciousness raising material that could be used with the broader public. This is very critical as ultimately, the final resolution will be crucially dependent on the extent to which the issue of domestic violence becomes a matter of broad-based public debate.

Reviewing the issue of violence against women, whether in India or world wide, is a painful reflection on the state of our societies, the issues of human behaviour and what determines our behaviour. Sometimes I feel that we human beings are really "nasty brutish and short", as the English Philosopher Hobbes described us. Philosophers like Hobbes, who later Influenced Nietzsche and other "hard on Human beings" philosophers, then gave ideas for moral and political philosophy which demanded harsh responses to human behaviour - authoritarian regimes, categorical imperatives, Might is Right, superior race ideas and so on.

Liberal philosophers including religious exemplars like Jesus Christ put a great responsibility on the human being, extolling him or her to appeal to the goodness the virtues that were embedded in them. Mohan Das Gandhi, known world wide as Mahatma Gandhi, also laid great emphasis on the soul, the spirituality of the Human being and the potential it holds for goodness, translated into a non violent nature. *Ahimsa*. (*Himsa* is pain – Opposite of *ahimsa*)

Looking at the incredible, unbelievable violence that women, children endure I wonder if the faith and trust of the liberal philosophers is not misplaced; if Hobbes was not right? But that course of thought leads us no where except to gloom and anger.

Gandhi had perhaps reflected most on violence and non violence. I suspect that he posited the Indian as some one prone to violence (when he entered the public sphere, India was not an unviolent country-There was poverty, inequality, caste based discrimination (something like Apartheid but invisible), and civil wars. I suspect that his adherence to preaching AHIMSA arose as a prescription, as the only way and the crucial way, as he saw it to enable Indians to survive, and overcome their own frailties.

In his response to the hidden and open violence that he perceived in the inequalities and in the embedded discrimination based on gender and caste(see caste as a approximation of race and ethnicity in AFRICA) he went into the depth of the human beings consciousness. He developed the practice of effacing identity , identities that affirmed conflict making differences , through entering or taking on the identity of the “other”; the other being the one that we oppress .

In the Ashrams, or collectives, that Gandhi created, roles were constantly transposed to dismantle hierarchies. For example, everyone (men, women and children) had to do manual work as well as meditational work, so that the intellectual or the educated would not look down on the manual. Brahmins had to lift night soil so that night soil-lifting could not hold stigma and untouchability. Persons belonging to all the diverse religions in India had to recite the prayers of all the religions thus muting the kind of difference that connotes hierarchy through effacing the distance between people of different faiths.

In some sense he pushed the otherwise nasty brutish and short human being to exalt him or herself. Violence against the female , to me is basically an expression of the contempt, the derision with which women are held. Fatima Mernissi, the brilliant Moroccan writer has written a book called ‘Women in an Islamic Paradise’ where she paints women in Paradise as ‘houris’, waiting on men with wine - an ornament, servers of pleasure. I am sure if we did similar exercises of women in a Hindu Paradise or a Christian paradise, we would find the same imagery . And in today’s world if we see the pain of women in the Anglo Saxon or north or white cultures we see them agonising on the fact that they are basically seen as sex objects, as dolls to be decorated or abused.

Today the women's movement analysis that the heart of the problem of women's subordination - the problem of discrimination against women world wide, so dramatically laid out in the UNDP's, Human Development Report 1995 and 1997 - lies in gender relations. However, changing the hardened hierarchies in gender relations is not easy - even though women are struggling against it from time immemorial, and across "histories" and cultures. [23]

Mahatma Gandhi had a universal response to the denouncement of women who deviated from patriarchal fixes, the given stereotyping of male-female roles and codes of behaviour. He suggested to women that they resist this male order - and refuse to marry, to have sex, refuse jewellery, and even refuse to cook. He believed that such collective resistance by women would be the only way to liberate themselves from the chains of gender-apartheid [24]. An entire generation of women who fought with him took a pledge of celibacy, just to prove this point. They were not nuns, who are also celibate, considering themselves

²³ *Feminist Review: Feminist Politics, Colonial/Post-Colonial Worlds, No. 45, Spring 1995.*

²⁴ *Comment in Times of India, dated Aug 21, 1995 on "Apartheid of Gender" - Human Development Report, 1995.*

married to God. Rather they lived among men, and with men in cohabitation, but rejected their sexuality.

Not surprisingly, as Gandhi was a great believer in harmonising and equalising - he persuaded men to cook, sew, clean dishes, knit: do what are called "women's jobs". He tried to transpose mental perceptions of the difference between men and women. "More often than not a woman's time is taken up, not by the performance of essential domestic duties, but in catering for the egoistic pleasures of her lord and master", he wrote. "To me, this domestic slavery of the kitchen too is a remnant of barbarism. It is high time that our womankind was freed from this incubus". [25]

Some of these ideas may seem extremist and old fashioned, but Gandhi was reacting to what he felt was the terrible fact of female subordination, in a caste-ridden, hierarchical and diverse society. He perceived women as equal, but "morally" different.

The empowerment of women and the overcoming of gender-based oppression requires that women are perceived differently, by women themselves as well as by development analysis and programmes. There is a role for feminists to illuminate the special qualities and ethics of women and to politicize the worldwide women's movement around this vision. There is also a role for development agencies and personnel to change their understanding of women, gender and development. But to do this, there is a need to reorient economic and political thinking such that it works from the ground up rather than the top down. Only this way will the urgency of women's condition be addressed.

These are political actions and require political articulation, and I think President Mandela has given an opening when he mentions racism which is a well-politicised issue in the same breath as sexism. Saying these are both equal in their poisonous fumes and related to each other and need to be removed and fought against together. So women have to raise their collective political will as women to the level of black consciousness, a feminist consciousness which helps women to have sense of self esteem which fights their relegation to sex objects to value less things.

The other is to take on the whole issue at a moral level of individual action and social perceptions the way Mahatma Gandhi did. Mental change, or change in Mind set as it is called now. Developing a conscious attempt at muting difference, through worship, through quotas, through worked methods and helping women and men to see each other with greater respect.

While there is great need to deal, is as being dealt with in India with National Commission for Women (NCW) and the law and activism with the daily acts of violence, there is also need for us the world wide women's movement to fly above

²⁵ (1) *Pushpa Joshi: Gandhi on Women, Published by Navjivan Trust, Ahmedabad & Centre for Women's Development Studies, New Delhi, 1988.*

and take on this issue into moral and political collective action hinged around racism, sexism and non violence.

Structures like the TRC in South Africa, the Human rights commissions need to be recast to respond to this violence. Structures like gender commission, commissions to deal with ethnic sub groups and human rights commissions and the constitutional courts need to be merged so that gender cuts across all these social groupings and political issues. Women need to rise like a huge tidal wave to cleanse society of the blemish of itself,- the nasty brutish and short human being.

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