

**“Women’s Rights and Gender Based Violence in India  
---Issues and Challenges”**

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*Denial of women's rights means denial of human rights of half of humanity. Gender based violence is one of the worst forms of violation of woman's basic human rights. Gender Violence is highly pervasive and the increasing number of cases reported confirms this point. The growing concern of the women's movement has placed violence against women (VAW) on the global agenda. At the same time efforts are being made by various groups to eliminate VAW by not only reaching out to the victims but also addressing violence prevention. The present paper discusses women's rights and the nature of gender based violence in India and shares a model of preventing violence by generating community participation.*

**Women's Rights**

1974 is a landmark year in the history of women's movement in India. “*Towards Equality—Report on the Committee for Status of Women in India (CSWI)*” was released in this year which gave a comprehensive view of the status of women in independent India. The report revealed startling facts which showed that even after 25 years of the country's Independence, women continued to be without any rights despite the many legislative enactments in their favour—they suffered in terms of education, health, political decision making, and careers. Six decades later we in India still are engaged in improving the status of women in the aforesaid areas—education etc...It is not that the Indian government is not gender sensitive, in fact we have one of the most gender sensitive Constitutions framed way back in 1949. We have gender sensitive laws, ratified CEDAW (1993), schemes, programmes and a National policy on women's empowerment. Despite all this the national sex ratio continues to be adversely biased against women who are excluded from benefits of basic human rights and development.

***International Scenario:***

Violation of women's rights is not one country specific but is found prevalent world over with variations in nature of violation. Though it is unfortunate that even in the 21<sup>st</sup> century we have to propagate women's rights but the fact is that women all over the world have fought for and continue to fight for equality, dignity and freedom. The UN Document *Women* (Women 1991) lists at least six areas of common concern to women all over the world. These include legal literacy, health, education, work, politics and violence. The only difference is that while in the developed world gender discrimination takes the form of inequality in employment opportunities and in wages, in the developing countries the discrimination is more broad based ranging from not only in employment but also in

education, nutritional support and health care.

This is because women all over the world still continue to have a marginalized and subordinate status in comparison to men, a status that existed even during the times of Aristotle as it is said that while writing 'Politics' Aristotle was faced with the question of moral rightness on slavery but there was no doubt in his mind regarding the inferior status of women and their subordination to men. So it under the patriarchal leadership in thoughts, values, institutions and resources that women world over have had to struggle to create their independent identity (Lerner, 1993: 6-11).

Established in 1945, UN has since then addressed issues of women and gender. The four global women's conferences in Mexico (1975), Copenhagen (1980), Nairobi (1985), and Beijing (1995); the International Year of Woman (1975), the International Decade for Women (1975-85) did pave way for altering the situation of women globally. These initiatives provided UN the mandates which gave the world CEDAW, the Convention on Elimination of Discrimination against Women 1979 which came into force in 1981; and which established in turn UNIFEM, United Nations Development Fund for Women, and INSTRAW, UN International Research and Training Institute for Advancement of Women. (Devaki Jain, 2005)

### ***South Asian Region:***

The South Asian Region (SAARC) which comprises of Bangladesh, Bhutan, Nepal, India, Sri Lanka, Maldives, and Pakistan have various cultural, geographic commonalities not to miss the common issues in gender discrimination prevailing. Patriarchy prevails leading to absence of basic rights for women in form of no access and control over resources, engagement in informal sector in the low paying work; under representation in political life; poor education and health; victims of violence; and in lack of control over their bodies.

The SAARC member countries have ratified the CEDAW. National Women's machineries and Women's Commissions have been established in most countries and amendments of the laws undertaken. Laws addressing violence against women have been proposed in most of the countries of the region. Gender based violence was a very important issue at the Beijing Conference and it was then that UNIFEM South Asia Region Office (SARO) and UNICEF Regional Office for South Asia (ROSA) decided to work together to combat violence against women in South Asia.

### ***Indian Scenario:***

#### Women's Rights in India:

India can be cited as an interesting case for studying women's rights and its violation. This is because of the very rich history that the country has had in terms of the status that women have enjoyed and the respect bestowed on them. Briefly tracing the history, Indian women enjoyed a position similar to the men in the early Vedic period (BC 2000-

BC 1000). They were respected in all the fields. They had the opportunity to educate themselves, recited hymns and participated in public debates and discussions with men. It is even said that there were women who fought in the war thus attesting complete equality between men and women during this time. Things started changing in the later Vedic period (BC 1000-BC 600). Women who once enjoyed a position at par with the men came to be denied position of equality. Their social status deteriorated to the extent that they were now confined within the four walls of home on the pretext of inferior status. Gradually women lost their independence and were totally dependent on the husband. During the British period in India, which lasted for 200 years, India gaining independence in 1947, many social reformers such as Raja Ram Mohan Roy, Ishwar Chand Vidyasagar, Swami Dayanand Saraswati fought for women's rights in the 19<sup>th</sup> century. Widow re-marriage, education of girls, abolition of sati, and abolition of child marriage were some of the existing practices voiced against by them.

We have come a very long way since then. India got independence in 1947 and in 1949 the Indian Constitution was formed which is one of the very well drafted piece of work. Gender equality was given due importance in the document. Today, the Indian economy is doing well. But gender imbalance still prevails in the country which is also reflected in the gender gap index (GPI) released by the World Economic Forum (WEF). Out of the 128 countries evaluated by the WEF India ranks 114. The parameters of the survey include proportion of the resources and opportunities made available to women on educational, economic, political and health parities. India also has the unique distinction of having some states which have the sex ratio lower than the national figures and which believe women to be nothing more than a piece of property. These states snuff out lives out of young girl child as women are treated as economic liability (Whitton).

### Various forms of Women's Rights

**Constitutional Rights:** The Indian Constitution has given various kinds of rights to its citizens known as the Fundamental Rights. These are equally granted to men and women and can be enumerated as below:

- Right to Equality: A 14 & 15 of the Constitution specify that there should be no discrimination against any person on the basis of sex (religion, caste, creed, race, birth place). A 16 says that there should be no discrimination in matters of public employment on grounds of sex.
- Right to Freedom: Freedom of speech and expression.
- Right against Exploitation: exploitation refers to forced labour.
- Right to Freedom of Religion: This means professing and practicing a religion freely.
- Right to Property: Acquiring, holding and selling property.
- Cultural and Educational Rights: This means freedom to get admission to educational institutions and freedom to conserve one's culture.
- Right to Constitutional Remedies: This means right to approach the courts for enforcement of constitutional rights.

**Social Rights:** The Indian Hindu woman has the right to select her partner after she has attained the age of 18 years (Hindu Marriage Act, 1955). They can select their partner from within the same caste, religion or outside. Marriage before 18 years is punishable. The marriageable age for boys is 21 years. However the reality is there are nearly three lakh girls under the age of 15 who have given birth to at least one child (Census 2001). The Hindu Marriage Act permits only monogamy while the Muslim Law still permits polygamy.

**Economic Rights:** The Equal Remuneration Act, 1976 does not permit wage discrimination between male and female workers. Maternity benefit Act, 1961 provides for social security for women employees. India has ratified many of the Conventions of the ILO related to work. Shram Shakti Report brought out in 1988 well brings to light the plight of the women in the unorganized sector. It is seen that more and more women are entering the workforce but at the level of the unorganized sector which is characterized by high exploitation and discrimination in wage payment. Industries like the garments and food processing are seen to exploit the female workers with low wages, long working hours.

**Political Rights:** The Indian State made the 73<sup>rd</sup> and 74<sup>th</sup> Amendment to the Constitution thus reserving 33% seats for women at level of village local body and municipal corporation. The Indian women had gained their voting rights as early as 1935 (Second Wave). Today every Indian girl (boy) who is 18 years can vote. However the Indian state is still waiting for reservation for women at the level of Parliament.

**Legal:** The Indian State has plethora of laws in support of its women drafted as early as 1960s and amended subsequently. To name some we have the--Maternity Benefit Act 1961, Dowry Prohibition Act, 1961 and subsequent amendments which make dowry an offence, The Equal Remuneration Act, 1976; The Medical Termination of Pregnancy Act 1971; The Immoral Drug Traffic Prevention Act 1986; The Family Courts Act 1984; The Indecent Representation of Women's Act 1986 & 1988; The Sati Prevention Act 1987. 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments which reserve one third seats for women in Panchayats and Municipal Corporations. However the status of the women in the country requires proper implementation of the existing laws.

**Protection against Violence:** The Prevention of Domestic Violence Against Women Act, 2005'; Ratification of CEDAW; National Policy on Empowerment of Women, 2001, Family Courts; Family Counseling Centers; Crime Against Women Cells are some of the initiatives of the Government to combat violence against women. This is indicative of that protection from any form of violence is treated as woman's right by the Indian State.

### **Violence Against Women (VAW)**

Is one of the most pervasive and most undesirable forms of aberration from human rights. It is global, widespread and tolerated as social phenomenon. Violence against women is universal, occurring in all cultures and countries. A study of 90 cultures around the world found family violence in all of them, with violence against women the most pervasive

form of violence. A recent UN study on VAW in the family concludes that women in great numbers around the world are murdered, assaulted, sexually abused, threatened and humiliated within their own homes. (Lina Gonslaves, 2001). The absence of national data indicates that the problem is largely unacknowledged and unaddressed. It is treated as a matter of private domain not to be discussed in public.

VAW is one of the greatest barriers to development. It affects health, esteem and ability of women to participate in the development process. Surveys in recent years indicate that about a quarter of world's women are violently abused in their own homes. The figures say that in Thailand it is as high as 50%, 60% in Papua New Guinea and Republic of Korea, 80% in Pakistan and Chile. In the US domestic violence is one of the biggest single causes of injury to women accounting for more hospital admissions than rapes and road accidents combined. Similarly in Britain, domestic violence is one of the biggest problems their society is facing today (Savitri Gooneskere, 2004). Problem is difficult to solve as occurs within privacy of home and friends, neighbours, relations, authorities are reluctant to intrude. The victim themselves voice fewer complaints and have less recourse to law.

VAW in India continues to increase which shows that the law and criminal justice system has failed to respond or has not been able to deal effectively with it. Law against dowry exists and has been amended but dowry is being given and taken and dowry related deaths occur. This is because complaints under the law are filed only when the incident has occurred or there is a dispute. Neither the state nor women's organizations carry out any awareness raising campaigns on the issue.

### **Introduction to forms of VAW in India**

India women can experience violence through their life cycle, across regions, religions and classes. It expresses itself in various forms like rape (including marital and custodial rape), sex selection; female foeticide and infanticide; domestic violence; dowry related violence; violence against widows; violence in armed conflict; sexual harassment, molestation, eve teasing and assault; forced prostitution; witch hunting; honour killings, stripping and parading and custodial violence.

In India gendered violence has its origin in various norms, expectations and understandings that define, discipline and subordinate women. One of the most pervasive forms among these is patriarchy. The woman is thus expected to suffer silently. She is then certified as a 'good woman' who has her morals and values intact and the moment she tries to step out of her doormat image she is the 'bad woman'. On top of it if she is a victim of violence in the form of rape, wife beating etc...than she deserves it because she had the audacity to not obey the norms set up by the society i.e. the man. Conventionally the Indian woman is expected to be confined to their home and not to be seen in public as they then come under public gaze, which is not considered inappropriate. This also has been a way to keep women out of public portfolios. Ironically, the woman has the permission to be mobile to attend to the family requirements such as attending to sick, family ceremonies, births etc... In such a situation her being seen in public is acceptable

because it involves attending to the family responsibilities but in case the mobility is due to her personal requirements (leisure, professional work etc) then it is considered undesirable and against norms.

Of all the violence faced by our women and girls, domestic violence, which occurs in the sanctity of home, is least discussed in public as it is considered to be a personal matter not to be brought out in public. There are local proverbs, which promote the practice and the same has been very well depicted in our movies too. The emphasis is on the emotional and sexual relationships that reflect an equation between wife beating and affection between husband and wife. This becomes a major point of social resistance to intervene in situations of domestic violence.

When it comes to rape cases in India they are underreported due to varied reasons. One of such reasons is the nature of the court proceedings, which makes the victim relive the entire traumatic experience. Related with this is the delay in announcing the judgment and the social system that gives a clean chit to the rapist and further stigmatizes the victim. Besides this, reporting also adversely impacts the 'marriagability' of the victim and an unmarried daughter is considered to be a liability on the father. According to the Hindu culture the father shall achieve the seven heavens only when he performs '*kanyadan*' that is marrying his daughter off.

Female foeticide and female infanticide are the other forms of gender violence practiced in India in pursuit for want of a son. Female infanticide takes various forms such as drowning the infant girl in milk, or choking her to death or crushing her head so as to relieve her of this burdensome life as per the reasoning of those who commit this crime. Pre-Natal Diagnostic Tests are liberally used in the urban and rural areas of our country to diagnose whether the foetus is a male or a female and thus aborting the female foetus.

Another series of gender- based violence that has surfaced in the last decade is related with the 33% reservation of seats for women at the level of local bodies known as the Panchayati Raj Institutions (PRI). These bodies, which had been the male domain till 1992, have now reserved 33% seats for women. This has resulted in the emergence of a new kind of violence against women wherein they have to make a choice --either to work as proxies to their husbands and other male members of family or work in their designated capacity and face the consequences like rape, attacks on family and self, long wait at office and not being attended to, odd hours of meetings and at unfamiliar venue etc.

Dowry related violence is another heinous crime in the Indian society wherein the girl is expected to bring dowry in form of expensive gifts and cash. In cases of unfulfilled expectations the groom and his family start torturing the girl which could even end in murder. Besides these, honour killings are other forms of VAW practiced in India.

Despite the fact that India is a welfare state and has many provisions in our Constitution, and in the Indian Penal Code pertaining to gender equality, violence against women continues unabated. Probably this requires a strategy that focuses not on coercion but

motivating people for a violence free society where women are respected. The following discussed programme offers a model conceived with this ideology which also makes an attempt to handle the outlined issues and challenges faced during work.

### **Issues and challenges to women's rights and gender based violence in India:**

Being a patriarchal society, addressal of women's rights and violence faced by them poses many challenges for the fieldworkers and policy makers. Some of these can be enumerated as below:

- **Power Relations:** The power relations are biased in favour of men. Thus any attempt to mobilize women is resisted by the man of the house and also the elder women who have been trained to view power with men.
- **Resistance:** Resistance is shown by men to actions, which they feel would make women stronger, threaten male supremacy and establish woman's independence.
- **Public and private domain:** It is believed in our society that women's issue should be kept within the private domain and not discussed in public. Infact, women who are outspoken and outside the conventional images of the women are considered to be the 'bad women'. The women too have strongly internalized the image of a good and bad woman as created by the men and the elderly women of the society.
- **Over-burdened poor women:** Poor women are already overburdened with work and are thus able to take out little time for anything else outside the 'productive and reproductive' role.
- **Profile:** Since majority of the population of the country comprises of profile of persons marked by illiteracy, poverty, lack of awareness on state functioning, laws and policies; large family size, indebtedness etc...thus generating awareness among the women on their rights and the existing support system requires lot of sustained effort.
- **Field level workers:** The level of motivation of the field level workers is an important factor for the strength and failure of any program specifically concerning women.
- **Discriminatory practices:** Discrimination against women and girls is seen to be practiced with regard to education, access to resources, health care, decision making etc...Thus there is violation of human rights leading to various kinds of abuses including female foeticide, dowry deaths, rape, child prostitution and VAW.

### **The Programme: Parivartan (Change)**

The Parivartan programme, a Delhi Police initiative, was born out of the need to involve the women of the community to deal with the growing violence against women. A very innovative programme, the following pages detail out some salient features of the program including the author's involvement as a professional social worker. It traces also the challenges faced while working in a community based endeavour and concludes by providing a case of a community where the program was recently initiated.

***My Association with the Programme:***

My association with the Programme began in 2006 when it was assigned to me for fieldwork supervision. It has been four years hence and since then eight students have done their fieldwork and two students completed their block fieldwork in the setting. The supervisory inputs provided to them helped in strengthening the Programme. As a faculty teaching Gender Studies as one of the papers and having researched this area, my association with Delhi Police developed on a more professional basis as I shared my experiences gained during supervisory visits and also otherwise due to my growing involvement with the Project.

***The Parivartan Model:***

The programme aims at building trust and confidence among the masses to counter, detect and prevent crime against women and children, specifically girls. The main participants of the Programme presently include-- Women Beat Constables (WBCs); Social Work Students; Non-Government Organisation; Government schools; Women Studies and Development Centre, University of Delhi (training programme) and Field Experts.

The Parivartan *Action Plan* includes:

- Deployment of the WBCs in the sensitive beats for redressal of grievances by being present in the Beats and in the community.
- Organizing awareness activities to sensitize people such as through Pantomime shows and door to door visits by WBCs.
- Formation of Women Safety Committees (WSC) for wider dissemination of the Parivartan Campaign and to enable these committees to play a vital role for addressing the numerous interrelated factors, which give rise to violence against women and children.
- Organizing Self Defense training programmes particularly in government schools to empower girls to tackle the untoward situations themselves.
- Motivating girls and women to report the cases of sexual assault through lectures and demonstrations by experts.
- Orientation and training of police staff on gender issues.

The Parivartan programme is about changing attitudes of a range of stakeholders and attitudinal change requires sustained intervention.

***Target population and number of participants:*** The Programme has been extended to 52 selected Beats in North, North West and Outer Districts of Delhi, which cover population of approximately 1.1 million. In these areas anyone requiring help can approach the Women Beat Constables and launch a complaint.

***Duration of activity:*** It is an ongoing activity having started on 29<sup>th</sup> August 2005.



**Location:** Delhi – The National Capital of India.

**Number of staff working on activity**

- Sub Inspector –1
- Assistant Sub Inspector – 1
- Head Constables - 21
- Constables – 101

**Cost(s):** The manpower is being utilized from the existing set up and there is no separate recruitment for the Programme.

**Funding source:** Delhi Police Department

**Measurable outcome or impact as per the assessment of Delhi Police:** The following statistics speaks about the impact of the Programme:

- Reduced the growth rate of violence against woman, especially rape (Table 1).
- 2,000 students have been trained in self-defense training camps.
- 89 workshops have been organized in schools.
  
- Strengthening of the efforts of police force by formation of Women Safety Committee, which comprises of 25-30 women members in each Beat.
- Holding frequent training sessions and gender sensitization workshops (21 such workshops have been organized) for the Women Beat Constables thus producing trained workforce for effective dealing of the Programme.

Delhi's population is approximately 13 million and city is divided into ten districts. Out of this, the Programme has been initiated in three districts covering total population of approximately 1 million. Since the programme has recently started it will take time to gain momentum.

**Assessment from the lens of professional social worker:** During the field visits the following impact of the program was observed by the author:

- Awareness due to pantomime shows and lectures.
- Better attendance of girls in schools.
- A better public-police interface is seen during the community rounds of women beat constables.
- Power is being associated with women and this acts as role modeling for young girls and as a deterrent for hooligans of community.
- Better and growing participation of civil society in the Programme by way of more research, field involvement of students etc.

**Challenges faced during fieldwork:**

- By social work trainees

- Women Beat Constables are over burdened and lack specific schedule for the Programme
  - Police authorities are busy in carrying out their daily routine which is hectic anyway thus leaving them with little time for the initiated Programme
  - Difficult to make the women from the community share their problems such as on domestic violence, which is treated as a private matter
  - Lack of time management on part of community women, which adversely affects holding of safety committee meetings (WSC).
- By the police authorities
    - Shortage of women officers particularly at supervisory level
    - Lack of funds for organizing activities and publicity
    - Non-availability of patrolling vehicles for women staff
    - Patriarchal mindset of male police staff
    - Requires specialized skills from the staff, which need some time to develop.

***Efforts made through social work intervention for strengthening the existing model:***

- Door to door information dissemination in selected beats—related to Programme, domestic violence and the Act etc
- Regular meetings with community women selected blocks
- Issues on domestic violence identified and reported
- Legal literacy, pension cases
- Mobilized women for social action
- Streamlining records of WBCs
- Strengthening the Women Safety Committees (WSC)
- Feedback Sessions with WBC

**Experiences of initiating the Program in a new community (Majnu ka Tilla):  
Formation of the Women Safety Committees (WSC) in Parivartan Programme**

The Programme was introduced in the mentioned resettlement colonies of North District in Delhi in 2008. With the collaborative initiative of the police staff and the social work students the pantomime show was organized in the community. The issues covered were domestic violence, HIV/ AIDS and child abuse. The message and the morale of the show was clearly verbalized intermittently in between the show with the attempt to create the necessary awareness among the community. After the show the author spoke about the domestic violence law 2005 and reiterated the importance of the programme for the community particularly the women and the girls. They were then invited to be the members of the women safety committee (WSC). It was interesting to see that a list of 30 members was prepared. The social work students fixed up with them the day and time for the first meeting of the WSC. This case shares with the readers the nature of experiences undergone while attempting to form the WSC in a resettlement colony.

In the few meetings organized with the prospective members of the women safety committee of the community, the average membership emerged to be 18. However the members who attended were not always the same in all the meetings. It was ensured that the meetings were held in a public space and not private so as to have participation of women without any inhibitions of caste, class, religion etc...To have women attend the meetings in greater numbers various strategies were used such as—role plays by the women, inviting resource persons from voluntary organizations, use of flip charts, brochures, handouts, lectures and discussions. During the meeting lot of information was shared by the women from which it was deduced that:

- Domestic violence (DV) exists;
- Alcohol consumption identified as one of the main reasons for DV;
- DV is considered to be a private affair as neighborhood avoids coming for help and resolve the matter;
- The man does not even spare his daughter/s from verbal abuse;
- Some women prefer to be confined to home as being seen outside home labels them as characterless by their family.

As interventionist strategy a list of all the members present was prepared by the social work trainees. It contained the names of women attending the meetings, their mobile numbers and house addresses. It was photocopied and a copy given to everyone so that the members could be contacted in case of DV. The WBC promised to make rounds of the community.

Certain aspects related to the women attending the meetings surfaced in due course. These were:

- Women's exhibiting lack of patience to listen;
- Want immediate solution to the problem;
- Wanted to go back and attend to the household chores which they had left though it needs to be added that the timings were fixed after consulting the group;
- Some wanted to attend the weekly prayer session being organized in the neighborhood;
- Want quick results;
- Lack of support from the husbands who wanted them to be at home;

The venue had to be shifted after the second meeting as present venue was found to be noisy. A quieter venue was identified but since it was the property of the state government, permission from the concerned authority had to be taken before its use. This was handled by the social work trainee who got the permission letter for using the building as venue.

The meetings were organized on periodic basis by the social work trainees under the author's supervision. With the termination of the fieldwork the work came to a standstill as the WBCs were already occupied with other tasks. The work was resumed with the fresh batch of students joining who are still in the process of understanding the community and building rapport for initiating the work.

***Proposals for future development among stakeholders:***

The stakeholders (community, police, social workers, and experts) need to join hands to further strengthen the Programme, as elucidated below:

- Identifying nature of VAW in the new districts undertaken
- Regular gender sensitization workshops: With WBCs and officials
- Streamlining the work of the WBCs: This needs to be done so that they are effectively able to perform their duties relating to Parivartan and beat
- Need for a professional social worker or a councilor: This is required to address to the emotional requirements of the WBCs and for effective implementation of the Programme
- Empower women economically to help in their confidence building
- Organize lectures and self- defense classes in schools for capacity building
- Continue the pantomime shows for better awareness generation.

**Conclusion**

In nutshell, it can be said that with collaborative efforts between the existing institutions like the universities, caretakers of society, community based organizations and funding agencies an attempt like Parivartan is welcome. A community based policing programme it aims at bringing change by creating awareness and changing the existing stereotypes that are dominant in minds of the society. Even a small change introduced with similar programs will go a long way in improving the lives of the women and in making them productive members of the society.

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12. Annual Reports of Parivartan

**TABLE 1**

**Crime figures for the last 3 years**

<u>Year</u>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Delhi	658	623	598
North West District	190	169	156