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DOMESTIC VIOLENCE IN INDIA:

RECOMMENDATIONS

OF THE WOMEN'S RIGHTS TEAM

REPORT TO USAID/INDIA

PROWID

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by

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RE-MEMBER US

Re-member us,--
You who are living,
restore us, renew us.
Speak for our silence.
Continue our work.
Bless the breath of life.
Sing of the hidden patterns.
Weave the web of peace.

ACKNOWLEDGEMENTS

The Women's Rights Team is grateful to USAID/India for the opportunity to collaborate on this design. The vision, dedication and commitment of Linda Morse, Heather Goldman, Romita Ghosh, and others of the Women's Initiatives Team enabled this effort to take place and quickly move forward.

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Finally, the Team wishes to thank the women of India and those whom we interviewed for generously giving of their time in helping us to understand the nature of violence against women in India. Everyone we met was open to sharing their experiences and data, and receiving information about other studies and successful interventions which could be replicated. We were struck by the generosity of groups and their willingness to work collaboratively to further all efforts to document domestic violence against women. Without the assistance of these women, this report would not have been possible.

A caveat:

The reader should be aware that the present report is a document which synthesises the findings and views of the team itself, together with comments and suggestions raised by members of PROWID upon review in Washington. In particular, the final section titled "Implementation Plan" represents a combined effort to distill team findings and define a workable strategy within the time and funding constraints of the proposed activity, and in its present state may not necessarily represent the views of all team members. Refinement of the implementation plan will continue through follow-up work to be supported by PROWID.

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EXECUTIVE SUMMARY

I. BACKGROUND AND OBJECTIVE

Responding to USAID/India's request for developing a strategy for women's empowerment, PROWID¹ supported a collaborative consultancy by ICRW and the Centre for Social Research, New Delhi in February 1996. PROWID identified three sectors to address women's issues: women's political participation, women's access to microfinance, and violence against women. To begin a focus on violence against women, PROWID proposed an annual Progress Report which would provide data on the nature and scope of the problem in India.

The Mission responded to PROWID's proposal for a Progress Report on violence against women by requesting a Women's Rights Team to investigate feasibility and context of this Report. The initial goals for the PROWID Women's Rights Team were to: (1) identify and establish structure for the coordination of work by groups able to conduct the research, analysis and dissemination of the report; and (2) formulate a broader framework for future activities to combat domestic violence against women, building on the foundation created by the initial work on the Progress Report.

This report to USAID/India on the Team's August 1996 visit explains the need for this project, the findings of the interviews of the Women's Rights Team, and the proposed structure and methodology for Indian research institutes and NGOs to complete the Progress Report.

II. JUSTIFICATION OF PROJECT

This report briefly reviews the status of women in India, documenting the relation between development issues and domestic violence. It describes the increase in domestic violence in India, and highlights the Government of India's concern with this trend. A comprehensive assessment of the legal structure dealing with domestic violence, with recommendations for how this could be modified, is included.

¹ PROWID (Promoting Women in Development) is a cooperative agreement between the International Center for Research on Women (ICRW) with the Center for Development and Population Activities (CEDPA) and the Global Bureau Office of Women in Development (G/WID). See Annex A for a full description of the Cooperative Agreement.

III. FINDINGS OF THE WOMEN'S RIGHTS TEAM

This report summarizes the Team's interviews with women's groups, governmental officials, research institutions, and other organizations working with domestic violence in India. These interviews confirmed the need for a Progress Report on domestic violence and threw open a large number of areas of concern around the issue. The groups interviewed by the team recommended that the Progress Report address the following points:

- a) Domestic violence is vastly underdocumented. It is pervasive throughout the world, affecting women's ability to realize their guaranteed rights as full citizens or access the benefits of development.
- b) Domestic violence is frequently misrepresented as being a private issue solely affecting the poor, less educated and traditionally lower strata in society. In fact it is an issue of public importance which is prevalent everywhere. But there is little or no documentation to demonstrate the widespread incidence of violence, especially amongst the middle classes. There is therefore a need to document the nature and extent of domestic violence throughout all sectors. In addition, it is important to research and analyze the cost of such violence and its concomitant effects on national development.
- c) At present, available secondary data on domestic violence in India is widely dispersed, often inaccessible, and of varied usefulness. Primary data is needed to augment secondary data, more accurately depicting diverse experiences.
- d) Expertise available in India is poised to work collaboratively on major efforts to collate and document the nature and scope of domestic violence against women, social responses to it, and successful interventions. These efforts could work together to influence public perceptions of the problem and inform the policy arena.
- e) Research organizations and NGOs see a need to collaborate together and compliment one another's work. Researchers clearly articulated the value of activists' experience; activists in turn felt that they would benefit from the wealth of technical expertise which researchers provide to better plan their own future advocacy and interventions.

IV. COMPONENTS OF PROJECT AND IMPLEMENTATION PLAN

PROWID will implement the project over a three-year period. A Progress Report, comprised of secondary data, will be written and disseminated during this time. A literature review, development of indicators of domestic violence in India, and regional workshops as well as a national conference on best practices will be held. Primary data collection may also be a component: the feasibility of collecting these data will be reviewed during the second year of the project.

The Project will be implemented in three phases:

- Phase 1:** One-year pilot project conducted in two states with main focus on analysis of secondary data, identification of best practices, and development of a methodology for replication in additional states.
- Phase 2:** Expansion of pilot study to include additional states in India; regional and national conferences to document best practices of interventions; examining feasibility of primary data collection.
- Phase 3:** Final report produced and disseminated; next steps planned.

This implementation plan is based on a framework which includes a Principal Investigator (cum National Coordinator), a host institution for the entire project, and a National Advisory Council (NAC). The management and oversight of the project within the context of the PROWID grants program will be conducted from ICRW in Washington, DC by a senior social scientist who will work with PROWID staff in Washington and with the PI and USAID Mission staff in New Delhi. This person will manage the project according to the agreed principles of collaboration established between PROWID and USAID/India.

Because so many of these activities require a mix of information-based and programmatic skills, PROWID will foster collaboration during all project phases between research institutes and NGOs, between national and state level agencies, and between government agencies and NGOs.

BACKGROUND OF THE PROJECT: USAID/INDIA WOMEN'S INITIATIVES

THE PURPOSE OF THE WOMEN'S RIGHTS TEAM

Responding to USAID/India's request for developing a strategy for women's empowerment, PROWID¹ supported a collaborative consultancy by ICRW and the Centre for Social Research, New Delhi in February 1996. In the course of this activity, three sectors were identified as areas of interest and need in relation to women's empowerment in India. These were: women's political participation, women's access to microfinance, and violence against women. Following this trip, it was determined that USAID/India would support activities in the areas of microfinance and violence against women.

The Mission responded to PROWID's proposal for a Progress Report on violence against women by requesting a Women's Rights Team to investigate feasibility and context of this Report. The initial goals for the PROWID Women's Rights Team were to: (1) identify and establish structure for the coordination of work by groups able to conduct the research, analysis and dissemination of the report; and (2) formulate a broader framework for future activities to combat domestic violence against women, building on the foundation created by the initial work on the Progress Report. This report to USAID/India on the Team's August 1996 visit explains the proposed structure and methodology for Indian research institutes and NGOs to complete the Progress Report.

TASKS OF THE WOMEN'S RIGHTS TEAM

The Terms of Reference for the Women's Rights Team which were set forth in collaboration with G/WID and USAID/India are described in Annex B. Specifically, the Team was to (1) conduct a quick assessment of data that has already been collected around issues of domestic violence against women by NGOs, donors and government offices; (2) Select organizations(s) responsible for producing the Report and work with that organization(s) to prepare a proposal to be submitted to PROWID for funding the Report; (3) work with the organization(s) responsible for producing the Report and other organizations engaged in relevant activities to promote local ownership of this activity and develop a dissemination plan; and (4) identify short- and medium-term indicators to measure the results of the Report's preparation and dissemination.

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The team spent the first two weeks conducting extensive interviews in Delhi, Bombay, Bangalore, Pune, Ahmedabad, and Jaipur; a wide range of women's groups were interviewed (from the Secretary of Women and Child Development, a Supreme Court Justice, to a grass-roots NGO providing shelter to abused women in a low-income area of Delhi). Interviews were carefully documented and information compiled and discussed with the Mission Director, WIN Team, and others in the Mission interested in this activity.

OBJECTIVE

The principal goal of the Mission strategy to improve women's access to resources and decision-making power in India guided the work of the team in identifying key activities that USAID/India could support. These activities would fulfill the following criteria:

- ◆ Be "demand driven," that is, respond to the needs expressed by the customers of USAID/India (represented by the individuals the team interviewed);
- ◆ Build on USAID/India's experience and comparative advantage in specific areas;
- ◆ Complement rather than duplicate other donor and other local institutional efforts;
- ◆ Address issues likely to yield visible, short- to medium-term results.

NEED FOR THE PROJECT

WOMEN'S STATUS IN INDIA

According to the UN Human Development Report (1996), women -- comprising nearly 65% of the illiterate in India -- represent 24% of the total labor force, 21% of professional and technical workers, and only 2% of administrators and managers. The United Nations (1994) notes that despite recent economic gains in India, economic activity for women has actually declined over the past two decades.

Women hold 8% of parliamentary seats, 6.1% of government jobs, 4.2% of ministerial-level jobs, and 6.3% of sub-ministerial-level jobs. Maternal mortality in India is among the highest rate in the world: 570 per 100,000 live births (World Bank, 1995).

One of the most noted and critical issues that has been highlighted both within and without India is that of "missing girls." Computations based on population totals from the Indian 1991 Census indicate that nearly 1.4 million girls in the age group of 0-6 are 'missing', based on the assumption that one would typically expect 96 girls for every 100 boys in this age group (UNICEF, 1995). Selective abortion and female infanticide have been well-documented throughout India. Such son-preference becomes more readily apparent in differential treatment that leads to higher mortality rates for girls--particularly those born into families that already have a daughter. Food intake and health care for girls is also jeopardized (World Bank, 1996).

The Government of India's National Crime Records Bureau recognizes that one of the precipitating factors in violence against women is their low status in society. In reviewing statistics regarding violence, they state:

"Women...continue to be victims of domestic violence, family violence, violence in the community and at work places. Illiteracy, ignorance, lack of awareness, poverty, added with traditional oppression and customs, place the Indian women at uneven status/environment. The resultant consequences are lower sex ratio, lower expectancy of life, high infant mortality rate, high drop-outs in primary schooling, and low wage rate" (National Crime Records Bureau, 1994).

THE INTER-GENERATIONAL CYCLE OF VIOLENCE

The home is the primary site where boys and girls learn how to view themselves and treat each other, and therefore efforts to reduce gender-based abuse must focus first on the home. This approach is validated by research from developed countries which clearly shows that children of both sexes who grow up in violent families are significantly more likely to become batterers themselves. Furthermore, children who experience violence in

their homes are more likely to become involved in criminal acts outside of the home. As one attorney who works exclusively on death penalty cases says: 'scratch the surface of any death case and you will find horrific domestic violence in the history of the defendant.' Nonetheless, near universal deference to the privacy of the home has meant that this most insidious form of violence all too often goes unnoticed, unreported, and unchecked. It is for these reasons, echoed by women throughout our stay in India, that the report will focus specifically on the issue of domestic violence against women. Truly, equal citizenship status for women will not be possible until this violence has ceased.

DOMESTIC VIOLENCE IN INDIA: DEFINITION AND TERMS

Women around the world have made domestic violence their first priority for action. In the last five years violence against women has virtually exploded onto the international scene. In 1992, the United Nations Recommendation 19, which recognizes violence against women as a violation of the Convention on the Elimination of Discrimination Against Women (CEDAW), was promulgated and adopted. The UN issued the Declaration on Violence Against Women in 1993, and in 1994 appointed Radhika Coomaraswamy as the first Special Rappateur on Violence Against Women. Perhaps most visibly, both government representatives and participants from around the world at the parallel NGO forum at the Fourth World Conference on Women in Beijing (1995) specifically and repeatedly addressed the issue of violence as a fundamental human rights issue, a health issue, and a development issue. Other international bodies, most notably the Pan American Health Organization, have also begun to take up violence against women as well.

Indian women united around the issue of violence in preparation for the Beijing Conference. In the Fourth World Conference on Women Country Report of the Government of India, the Department of Women and Child Development included an entire section entitled "Countering the Threat of Violence Against Women", stating:

"Violence against women should be viewed as one of the most crucial social mechanisms by which they are forced into a subordinate position. It is a manifestation of unequal power relations, which has led to men's domination over and discrimination against women. Thus, violence against women, throughout their life, comes to be socially sanctified."

The Report goes on to describe the nature of gender-based violence within the Indian context, and the Government's response in legal reform in trying to address the problem. However, the Report states that:

"These programs have to be combined with a near-complete overhaul of attitudes and expectations. This may sound

unrealistic, but this is essential. What is needed is a holistic approach to the issue." (Paragraph 12.1)

Numerous Indian laws exist prohibiting crimes against women² while the Constitution guarantees equality, freedom, opportunity and protection in both the public sphere and in the home. Yet reported violence against women is increasing throughout India; during 1990-1994, reports of rape increased annually by 29.8%, kidnapping by 11.1%, molestation by 19.4%, and sexual harassment by 21.8% (National Crimes Record Bureau, 1994), in contrast to the rate for all violent crime averaging 7.4% annually. These statistics have been further described by the Department of Women and Child Development (1992-93):

- Every 54 minutes, one woman is raped;
- Every 26 minutes, one woman is molested;
- Every 51 minutes, one act of eve-teasing;
- Every 102 minutes, one dowry death;
- Every 7 minutes, one criminal act against women.

New Delhi shows a similar increase in crime against women. In the one-year period between 1993 and 1994, dowry deaths in New Delhi rose from 107 to 132, cases of marital cruelty increased from 809 to 892, and abductions/kidnapping from 641 cases to 741. Out of 295 rapes reported in New Delhi until December 15, 1994, approximately 85% involved rape by a family member.

The observed trend may be due to improved reporting and data collection. However, a great deal of violence against women still goes unreported, including that which occurs in the domestic realm. Domestic violence against girls and women takes many different forms including foeticide, infanticide, child marriage, forced marriage, forced prostitution, battering, rape, murder/dowry deaths, incest, widow harassment and stigmatisation, and old-age desertion. A recent report by the Institute of

² The Government of India classifies crime against women into two major categories (National Crimes Records Bureau, 1994):

- (1) Crimes Identified Under the Indian Penal Code (IPC):
 1. Rape (Sec. 376 IPC);
 2. Kidnapping and Abduction (Sec. 363-373 IPC);
 3. Homicide for Dowry (Sec. 302/304-B IPC);
 4. Torture, both mental and physical (Sec. 498-A IPC);
 5. Molestation (Sec. 354 IPC);
 6. Sexual Harassment (Sec. 509 IPC);
 7. Importation of girls (Sec. 366-B IPC);
- (2) Crimes Identified under the Special Laws (SL):
 1. Commission of Sati (Prevention) Act, 1987;
 2. Dowry Prohibition Act, 1961;
 3. Immoral Traffic (Prevention) Act, 1956;
 4. Indecent Representation of Women (Prohibition) Act, 1986.

Development and Communication Studies in Punjab (1995) estimated that for each rape case registered with the police, nearly 70 went unregistered. Likewise, for every reported case of molestation, nearly 375 cases were not registered. Unregistered cases were reported by the victims to panchayats, municipalities, mahila mandals and voluntary agencies.

As noted by the Women's Council for Beijing, general attitudes must be addressed before violence will abate. Such attitudes are deeply imbedded and, among many groups, generally accepted without question. For example, a study of men in Uttar Pradesh demonstrated that nearly one fourth said that verbal insults and physical force should be used against those wives who disobey their orders (Narayana, 1996).

However years of struggle by the Indian women's movement has helped to make domestic violence more visible and opened it up for discussion. This has finally yielded some results in getting agencies and government to recognise violence in the 'private' sphere as meriting 'public' concern. This visibility has also exposed a variety of forms of violation that have traditionally been hidden within the four walls of the household including physical abuse like kicking, spitting, beating with hands or objects like belts and bottles, pulling hair, throwing acid or boiling water, shooting, strangulation, burning with cigarettes or other objects, pushing and pinching as well as verbal abuse and mental torture and cruelty (United Nations 1989:13).

VIOLENCE AS A DEVELOPMENT ISSUE

Although violence against women affects the most basic foundations of their lives, it is rarely considered a development issue. Development programs designed to respond to such problems as deforestation, high fertility and hunger often rely heavily on women, yet they seldom recognize that the personal burdens women face -- and particularly violence -- often reduce or eliminate women's ability to fully participate in the development process. Moreover, violence is often an underpinning of development problems which are manifested by indicators such as malnutrition and high fertility.

USAID/India's Result Review and Resource Request (R4) states four Sub-Goals: accelerate broad-based economic growth, stabilize India's population, enhance food security, and increase environmental protection. Violence against women is related to each of these objectives. By investing in women and specifically addressing violence, these goals can be more readily achieved.

Economic Growth

In terms of initiatives that seek to facilitate and sustain women's increased involvement in economic development activities--from income generation to microfinance--studies have revealed how violence or the threat of violence can thwart their continued involvement in such activities. For example, a UNIFEM/Mexico study revealed that some men felt threatened by their wives' increased role in generating family income, and it was reported that some used physical violence to reverse the process (Heise 1994). Vasquez and Tomayo (1988) provided case studies of women in Peru and those that worked in the Mexican maquiladoras who reported that their husbands frequently beat them in order to get their earnings.

In Madras, a revolving loan fund for women nearly collapsed when the two leaders dropped out of the program as a result of their husbands' violence. Men often become threatened when women begin earning and are less under their control. This was tragically demonstrated in Egypt when, during the UN Population Conference, one woman told her husband that she was 'empowered' and would begin earning her own living. He flew into a rage and beat her to death.

Indeed, Mirai Chaterjee of the Self-Employed Women's Association (SEWA) makes clear that domestic violence often rises in response to women's participation in SEWA's micro-finance programs. Such a shift in the basic power structure of the home may add stress to an already precarious and unstable relationship. Such violence may abate after a period of adjustment, but needs further study to determine these complex relationships and the factors associated with women's risks and modes of protection or prevention.

HIV/AIDS

Another strategic development objective, the prevention of HIV infection, has become paramount to most international development agencies throughout the world. Recent data have indicated, however, that women's ability to adopt HIV-preventive behaviors are significantly compromised by a variety of economic, social, cultural, political, and legal barriers. In each of these instances, the role that violence or the threat of violence in further limiting women's access to information and services, and the role it plays in increasing their risk of HIV infection through unsafe behavior is just now beginning to receive the attention it deserves. A recent collaboration between the International Center for Research on Women and the Health and Development Policy Project in the form of data presented at the XI International Conference on AIDS in Vancouver (Gupta et al. 1996) highlighted the many ways in which violence is related to women's increased risk and vulnerability to HIV infection. The results of data collected by ICRW through the Women and AIDS Research Program and data collected specifically on violence by HDPP revealed the role that violence or the threat of violence plays in women's inability to negotiate condom use with an unwilling male partner, and that women who have been abused are more likely to practice higher-risk sexual behavior (i.e., have unprotected sex with a higher number of sexual partners), have more unintended pregnancies before the age of 18, or were more likely to use controlled substances that impair judgment and lead to risky behaviors (Gupta et al. 1996).

Violence in the form of sexual trafficking is clearly linked with the HIV/AIDS pandemic. Asia Watch reports that virtually all young girls from rural areas who have been sold into sexual slavery return to their villages positive for the virus that causes AIDS. Women also become infected with the immunodeficiency virus through rape. Until the issue of violence against women is addressed, HIV/AIDS programs will only have limited effectiveness.

Population

In much of the developing world women are the intended users of family planning, but male attitudes about fertility are often cited as impediments to a fully effective family planning program. It is arguable, however, that it is not male attitudes themselves that are the problem, but the manifestation of those attitudes, in violence or abandonment, that women fear if they contracept against their husbands' will. Women are often beaten if they use any sort of family planning while husbands are demanding that they bear as many children as possible. Many of these authors have participated in field interviews throughout the world where women fearfully and secretly admit to using contraception but deny this use to their families, and are forced to hide their contraceptives. "I take pills," one woman in Mexico admitted, "but please do not let my husband know."

Child Survival and Maternal Health

Considerably more effort has been made in drawing the linkages between real violence and the threat of violence and its impact on maternal and child health. Data collected on violence against women during pregnancy include a study that revealed that women who are beaten during pregnancy are four times more at-risk for having low-birth weight babies than women who are not beaten (McFarlane 1992). Another study of 80 battered women in San Jose, Costa Rica reported that 49% of the respondents had been beaten during pregnancy. (Ugalde 1988). Yet another prospective study of 161 women in Santiago, Chile showed that pregnant women living in more violent parts of the city had approximately a five-fold increase in complications associated with pregnancy than pregnant women living in less violent areas (Zapata et al. 1992). These data suggest how violence compromises the gains that have been achieved in improving the health and well being of women during pregnancy--a long-accepted goal of many development programs.

An example that highlights the relationship between child survival and violence comes from a Sudanese refugee camp for Ethiopian refugees. There it was noticed that children were becoming malnourished because their mothers were cooking fewer meals. Upon investigation, it emerged that women were being raped when they left the camp to gather wood, and therefore were conserving the wood they had by cooking fewer meals.

Perhaps the starkest data, however, comes from maternal health. In Matlab Thana, Bangladesh, for instance, a long term study found that:

Homicide and suicide motivated by the stigma of rape, pregnancy outside of marriage, beatings, or by dowry problems accounted for 6 percent of 1,139 maternal deaths....The figure rises to 21.5 percent if deaths due to botched abortion are included, many of which are likewise related to shame over pregnancies outside of marriage (Heise, 1994).

The relationship between maternal nutrition and violence is further underscored by an interview with SEWA in Ahmedabad, India. There the Team learned that often women were beaten for laziness. In fact, their 'laziness' was a result of severe iron-deficiency anemia--the women simply did not have the energy to maintain demanding workloads.

Participation

The threat of violence, whether real or perceived, has been shown to negatively affect women's participation in a variety of social and economic development activities. Yet more pernicious than the cases where men actually restrict their wives' mobility (Bradley 1990) are the instances in which women themselves restrict their activities to those which they think will be acceptable to their husbands (Bradley 1990). Furthermore, stranger-induced violence, mostly in the form of rape, further contributes to women's self-restriction on their own mobility, thereby limiting their involvement in any activities that would take them outside the home (Gordon and Riger 1989).

In India, the reality that participation in development programs can be extremely dangerous for women is starkly illustrated by the September 22, 1992 gang rape of Bhanwari Devi. Bhanwari was a highly respected and active member of Rajasthan's progressive and widely acclaimed Women's Development Programme (WDP). She had organized women around a myriad of development issues including land and water use, literacy, and health. When she became active around the issue of child marriage, however, she enraged members of an influential family who had planned to marry off their one year old daughter. The baby's family responded to Bhanwari's efforts to stop the marriage by harassing her for several months and beating both her and her husband. Finally, they gang raped Bhanwari. (Mathur, 1996) Although Bhanwari's case is not one of domestic violence, neither is it one of random stranger violence. Instead, it clearly illustrates the deliberate use of violence to stop women from participating in efforts to empower themselves and others.

INDIAN LAWS AND STRATEGIES ON DOMESTIC VIOLENCE³

Despite a constitutional guarantee of women's equality and laws geared toward protecting women, violence against women continues to escalate: even inadequately collected and poorly correlated official statistics indicate that the level of reported violent crime against women is rising. Laws enacted to protect women from violence either in the public or private sphere are largely unknown to women. Those who have a notion of the law will often avoid using it because of the social and economic costs of seeking retribution, as well as a complex and daunting legal process. Desperate straits bring a handful to the law; those relying on legal protection will often use provisions such as section 498A of the Indian Penal Code ("Cruelty Against Women") as a deterrent or bargaining tool to prevent further harassment and cruelty. However, many women will frequently withdraw the case and for lack of alternatives return time and time again to intolerable situations of abuse.

³ Annex C contains a thorough overview and analysis of Indian laws pertaining to violence against women.

A few progressive police, courts and innovative lawyers have used the available laws on injunction and cruelty to assist women in their quest for justice, and to protect women against further abuse. Such efforts provide models not only for India but for other countries with high rates of violence against women. Some obvious solutions to the problem of domestic violence lie within the legal structure; other alternatives include creating a "law consumer" who will know her rights and demand clean, quick and efficient administration of justice at all levels, enacting legislation which is created to address the realities of the average woman, and sensitizing administrators, policy makers and the public about the gravity and extent of the problem and its negative impact on development.

As is the case in many other countries, Indian women's advocates, government entities, and NGOs have been doing much to improve the law concerning battered women and domestic violence. Their major success has been to achieve some important reforms in the criminal justice system. But there are many significant gaps in the law's coverage of domestic violence, and many ways in which Indian advocates could take steps to improve the law's efficacy as a tool for helping wives stop domestic violence. With the educational momentum achieved by compilation and dissemination of the information in the proposed Progress Report, Indian governmental bodies and NGO's could propose major improvements in India's legal treatment of domestic violence. For example, they could seek to:

- End the marital rape exemption;
- Broaden the definition of "physical or mental cruelty to the wife" under section 498-A so that it covers all forms of domestic violence;
- Pass a law providing all wives with the right to separation or divorce based on cruelty, uniformly defined to reach all forms of domestic violence revealed by the Progress Report;
- Enact new statutes providing for fast, inexpensive, and comprehensive civil protection order relief, with enforcement through equally fast, inexpensive, and comprehensive criminal contempt motion procedures;
- Pass new laws requiring police, prosecutors and judges to be trained about domestic violence, and to improve their enforcement of existing and new laws concerning domestic violence; and
- Engage in mutual and coordinated inter-agency task forces to improve the delivery of services by courts, police, prosecutors, lawyers, law schools, social service workers, hospitals, doctors, and various treatment programs to both

batterers and victims.

Passing new laws can be done rather quickly, so this approach should yield "visible, short-to medium-term results." Undertaking the more comprehensive efforts to improve the delivery of services will take more time, but the momentum achieved by the process of both compiling and disseminating the Progress Report on Domestic Violence in India should help immeasurably in achieving that goal. Finally, the Progress Report will yield some indicators which will help reveal India's future progress toward real reductions in the incidence of domestic violence. For example, some localities in different parts of the world have actually been able to reduce the number of women who are killed each year by their intimate partners -- a statistic for which local government entities can easily assemble the data once the relevant identifying information about relationship of batterer and victim is added to official reports. That stark indicator would do much to show dramatic progress in India on the same issue that women around the world have begun confronting so recently.

METHODOLOGY

The Progress Report will be able to be used as a tool by both advocates and policy makers to address this situation within India. The work of the Women's Rights Team focused on the development of the nature and substance of this Report.

The Team met a large number of NGOs already working on the issue of violence against women⁴. These groups include urban-based women's rights NGOs (such as SAKSHI, WARLAW in Delhi, Sanchetna in Ahmedabad) and community-based NGOs (such as Action India). These organizations are working in a variety of areas to combat domestic violence. Some are running shelter homes, others focus on counselling and legal aid, still others advocate within the judiciary system.

For example, Shakti Shalini in Delhi, an NGO funded by the central government, has a capacity to officially house 8-10 women but have housed up to 45 at one time. Jyotisingh in Ahmedabad (Gujarat) established in 1934 is a social institution giving counselling and legal aid to women in distress. They have dealt with some 150,000 cases since inception and approximately 40,000 cases in the last decade. The members strongly feel that though women come for counselling, often they have no alternative but to go back to their husbands and families and continue living with the perpetrators of violence. A commonly expressed need was for support services for women i.e. shelters to house women either temporarily or during protected legal proceedings.

Dialogues were also conducted with social scientists in research institutes who have worked and are working in the area of violence against women. The SNDT University, Tata Institute of Social Sciences (Bombay), Institute of Development Studies (Jaipur), Gokhale Institute (Pune), and the National Institute of Advanced Studies (Bangalore) all have been working on this issue for the past several years. The Progress Report will help support and enhance their efforts.

These interviews confirmed the need for a Progress Report on domestic violence. They threw open a large number of areas of concern around the issue. The groups met by this team recommended that the Progress Report address the following points:

- Need to document and draw lessons from social responses and existing strategies/services for addressing violence in diverse regions and communities;

⁴ Annex D contains notes of all interviews conducted by the Women's Rights Team.

- Need for primary data due to inaccuracies and inadequacies of existing data, and to develop a more comprehensive picture of the causes and consequences of violence;
- Examination of a variety of social, political, and legal solutions to raise public awareness, promote respect for and exercise of rights and responsiveness of government.

IMPLEMENTATION PLAN⁵

This implementation plan is based on a framework which includes a Principal Investigator (cum National Coordinator), a host institution for the entire project, and a National Advisory Council (NAC). The PI and host institution will be identified first and will have the responsibility to propose plans for the three phases of the research project (pilot study, expanded study, and production of report) and other activities of the project, to be submitted to PROWID. The PI and host institution will also be responsible for working in conjunction with PROWID and USAID/India to identify and recruit members to the NAC, which will serve as the project's independent review body, in consultation with PROWID and Mission staff. The NAC will include no more than ten members representing professional, organizational and regional diversity, to oversee the overall implementation of the initiative and provide expert technical assistance as appropriate. Membership on the NAC will be drawn from various sectors to insure expertise in the fields of law, health, and social sciences/WID, as well as representatives of the police, NGOs and donors.

The management and oversight of the project within the context of the PROWID grants program will be conducted from ICRW in Washington, DC by a senior social scientist (to be identified) who will work with PROWID staff in Washington and with the PI and USAID Mission staff in New Delhi. This person will manage the project according to the agreed principles of collaboration established between PROWID and USAID/India.

The work to develop and produce the progress report will be divided into three stages as follows.

Stage One: Pilot Phase (Year 1)

The main tasks to be accomplished in the October technical assistance trip will be identification of the Principal Investigator (PI) and the host institution, and pre-selection and interview of NAC members. Preliminary lists of candidates for PI, host institution and NAC members will be developed in advance by PROWID in consultation with USAID/India and selected

⁵ A caveat: The reader should be aware that the present report is a document which synthesises the findings and views of the team itself, together with comments and suggestions raised by members of PROWID upon review in Washington. In particular, this section on the implementation plan represents a combined effort to distill team findings and define a workable strategy within the time and funding constraints of the proposed activity, and in its present state may not necessarily represent the views of all team members. Refinement of the implementation plan will continue through follow-up work to be supported by PROWID.

individuals with expertise in the field⁶. Upon arrival in India, the team will conduct a round of interviews with shortlisted candidates and will work with USAID/India to determine the PI and host institution. (If identification of the PI and/or host institution cannot be accomplished during the trip, the team will set in place the appropriate mechanisms so that selection can take place as soon as possible after the team departs India.)

As part of that process, the team will draft a contract and scope of work for the PI to be hired. The host institution will be supported for this activity through a subgrant to be negotiated between the institution and PROWID. The team will then collaborate with the PI and host institution to define the elements of a proposal for a three-stage research project with a detailed first pilot phase that the host institution will subsequently submit to PROWID for funding. This proposal will define the contractual relationship between PROWID, the PI and the host institution. PROWID will recommend additions to the proposal as needed for those elements to be implemented by PROWID, such as subgrant agreements and international technical assistance. The team will request the host institution to forward the proposal to PROWID for review within a month of the team's departure.

The following basic elements will be included in the proposal prepared by the PI and the host institution, and represent the remainder of the implementation plan. Specific details of implementation will be worked out as the PI and the host institution refine their proposal.

During the first six months, the PI will be supported by PROWID to visit staff at WHO in Geneva, Harvard University in the USA, institutions in Washington and New York, and other relevant organizations who have devised indicators for measuring the incidence, prevalence and costs of violence against women. Through such technical assistance, the PI will devise a preliminary list of indicators to be used in the study and will submit that to the NAC for further refinement.

Concurrently, the PI and the host institution will design a pilot study that will take place initially in two states and in collaboration with local institutions in those states, to be selected according to criteria to be defined in the proposal with the assistance of the NAC. The pilot study will serve to test the indicators and to begin collection of secondary information in a number of settings. Design of the pilot study must include

⁶ Annex E contains a preliminary list of organizations which the Team drafted as possible collaborators, as well as a list of the Indian Research Institutes supported by ICSSR.

the framework for a feasible analysis plan, through which the collected information can give a reliable indication of the prevalence and costs of violence against women. The PI will identify the international technical assistance needed for designing the analysis plan and the associated computer software and support required to implement the plan.

During the second six months, the PI and the host institution will conduct the pilot study and analyze the findings in association with the selected collaborating institutions in the two states as defined in the proposal. A main output of this analysis will be an efficient model plan or prototype for the collection of secondary data that can be replicated at regional/national level. PROWID will discuss with the Mission the desirability of running the subgrants to the collaborating institutions through either the host institution in India or directly through PROWID from Washington.

The proposal for the pilot phase will also include plans for the host institution to undertake a literature review and collection of information on best practices in the states under study. A conference will be held at the end of the first year to present the findings of the literature review, the best practices and the results of the pilot study in the pilot states.

Month 1: PI and host institutions write proposal and submit to PROWID in Washington; convene first NAC meeting

Month 2: PROWID reaches agreement with USAID/India, PI and host institution; design of the literature review and preliminary study components begins

Month 3: PI travels to Europe and USA to meet with other researchers and specialists; develops indicators for the study; meets with NAC

Months 4-6: PI and host institution work with NAC to finalize design of the study, set up literature review, initiate collection of best practices information, and establish working relationships with collaborating institutions in two states

Months 6-11: Collaborating institutions in two states implement pilot study and conduct analysis of data; technical assistance on data analysis techniques is provided; PI, host institution and NAC select and refine process and outcome indicators for subsequent evaluation of study

Month 12: PI and host institution convene a conference with participation of the NAC to present findings of literature review and pilot study; PI and host institution complete plans to expand the pilot study to include 5-7 state/regional sites working with collaborating institutions during the second year; prepare announcement of request for proposals

Stage Two: Expansion of pilot study (Year 2)

The host institution will release a request for proposals (RFP)

around the country inviting potential collaborating institutions to submit plans to undertake the research and collection of secondary data in their states or regions, with the aim of expanding the coverage of the study to the national level. The sites and institutions will be chosen according to selection criteria established by the PI, the host institution and the NAC, in consultation with PROWID and USAID/India. The host institution will submit to PROWID a more specific budget for Stages 2 and 3 of the study, which will reflect the collaborating institutions' budgets in addition to the central activity of the PI and host institution. PROWID will discuss with USAID/India the optimal procedure for funding activities at the state or regional level, whether directly (e.g., subgrants from PROWID to the collaborating institutions) or indirectly (e.g., sub-grants issued by the host institution to the collaborating institutions). The host institution will sponsor a meeting in New Delhi to train staff at the selected collaborating institutions in the data collection instruments and design of the study as refined through the conduct of the pilot study in the first year.

During the remainder of the second year, the state or regional collaborating institutions will conduct the data collection and analysis activities as agreed, with technical assistance to be provided through PROWID (or perhaps by the host institution) as may be required. The collaborating institutions will also contribute to the more systematic collection of information on best practices which the host institution will coordinate at the national level.

During the second year, the PI, host institution and NAC may wish to examine the utility and feasibility of collecting primary data in support of the secondary information already being collected. Any plans for primary data collection will be subject to the review of PROWID and USAID/India. Primary research will only be conducted in direct relation to findings emanating from secondary information being collected and will be designed to fill gaps evident in that information.

Months 1-2: Host institution issues RFP for expanded study; screens proposals with PI, NAC, PROWID and USAID/India; 5-7 state/regional collaborating institutions selected; host institution submits detailed research plan and budget for the second and third phases to PROWID for funding

Months 3-4: Host institution conducts training of researchers of all selected collaborating institutions; PI and host institution identify technical assistance needs of those institutions and arranges necessary services and research tools; researchers refine their implementation plans

Months 5-10: Collaborating institutions implement their research activities (i.e., replication of the pilot study in first year); PI, host institution and NAC examine the utility of

adding a primary research component linked to findings of secondary research

Months 11-12: Hold a series of national or regional workshops with researchers and practitioners to share best practices and document interventions; collaborating institutions begin to prepare their reports for contribution to the national report coordinated by the PI and host institution

Stage Three: Producing the report

In follow-up to the conferences conducted at the end of the second year, the PI, the host institution, and PROWID staff will review research results with the collaborating researchers and begin to plan the structure and content of the report on violence against women. The PI and PROWID will give feedback on preliminary findings and guide the researchers in the preparation of their draft sections. The PI will oversee analysis of the data collected and the organization of information on best practices, and will begin writing the report and assembling its constituent sections. During the year, the PI, the host institution and the NAC will also consider appropriate channels of dissemination and develop a strategy for the distribution of the report and its application to policymaking efforts. Throughout the year, they will also be examining steps which might be taken to insure the continued viability of the research effort and the periodic updating of the information for use in measuring progress over time. By the end of the year, the host institution and the NAC will sponsor a major final conference to present the findings and issue the report.

Months 1-2: Collaborating institutions complete drafts of their reports; PI and host institution assemble all data and determine structure of report

Months 3-6: Analysis of data by host institution; PI and NAC explore dissemination strategy and means to continue research in future; PI and host institution complete first draft of report

Months 7-8: Draft report shared with key institutions, agencies, NGOs (in India and outside) for discussion and comment

Months 9-10: Revision of report; final production

Months 11-12: Dissemination; final conference; design for updating and planning next steps

ROLE OF KEY ACTORS IN THE IMPLEMENTATION STRUCTURE

As discussed above in the opening section of the implementation plan, the proposed activity will involve a senior social scientist based at ICRW in Washington to function as a Project Officer, a Principal Investigator (PI) based in India, a host institution which will house the PI and be the focal point for the activity, and a National Advisory Council (NAC). The project will also rely on the involvement of a number (probably less than ten) collaborating institutions around the country to conduct

research at state or regional levels which will feed into the national report; these institutions will be selected through an open or targeted solicitation of proposals according to criteria to be established by the PI, host institution and NAC.

ICRW-based Project Officer:

- Manage this activity (and the separate activity with FWFB) in accordance with the Cooperative Agreement establishing the PROWID program and with the principles of collaboration established between PROWID and USAID/India; to include monitoring the project budget and submitting reports as required to USAID/India and G/WID, in coordination with all other program activities overseen by the PROWID Project Director in Washington
- Oversee the work of the Principal Investigator and coordinate required international technical assistance
- Provide technical assistance in India as appropriate
- Oversee timely and quality delivery of project products throughout the activity
- Will report to PROWID Project Director

Principal Investigator (PI):

- Direct the three stages of the study in India
- Report to ICRW and USAID/India on the stages and progress of the study as required, including quarterly technical and financial reports to be submitted to ICRW
- Coordinate with the host institution, the NAC and USAID/India
- Primarily responsible for all results of the pilot phase, plan or prototype for expansion, and final report
- Will report to ICRW-based Project Officer

Host Institution:

- House the PI and study, including oversight of literature review and database
- Provide appropriate institutional support to the effort

National Advisory Council (NAC):

- Provide guidance and technical assistance to host institution and PI in all phases of the study
- Review, as appropriate, the study reports to insure quality, relevance, appropriateness

ANNEX A
The PROWID Cooperative Agreement

PROWID is a cooperative agreement between USAID/G/WID and the International Center for Research on Women and its partner the Centre for Development and Population Activities. PROWID can provide grants to institutions both in the United States and overseas that work to advance women's roles in development. Such activities may include pilot interventions, operations and action research, and advocacy.

PROWID draws upon ICRW's experience in small grants administrations supporting field-based interventions and operations research in close association with a wide variety of local institutions, including universities, NGOs, government training institutes, and other research organizations. The program offers opportunities for grantees to obtain, if needed, informal on-site training and technical assistance from ICRW and CEDPA in conducting research and implementing projects.

In India, PROWID offers the flexibility to directly fund a wide range of activities, issues, and institutions. Program experience at ICRW and CEDPA, as well as ongoing activities at USAID/India, provide a ready base of contacts and organizations within India with which links might be quickly made, promoting project start-up. A modified competition for grantee selection for most types of activities would permit targeted and cost-effective selection of candidates. The final grantees could then be selected competitively from the pool of solicited candidates.

PROWID also supports formation of a high-level advisory group based in India to advise in the selection of final grantees. Such a group can operate like other ICRW technical advisory groups (TAGs) and can continue to provide technical assistance and quality control throughout the process of implementing the grants.

Because of the flexibility of the PROWID mechanism, grantmaking can be tailored to the specific activity. Thus, for example, a nationwide research program on a particular issue may require quite different procedures from those required by small-scale pilot interventions. Depending on the activity, a specific grants program could be designed to define the most appropriate proposal solicitation, grantee selection, and implementation procedures. A special TAG could also be constituted as needed for each specific grants program.

ANNEX B

TERMS OF REFERENCE FOR A USAID-SUPPORTED INITIATIVE TO ADDRESS DOMESTIC VIOLENCE IN INDIA

July, 1996

SUMMARY OF THE PROBLEM AND APPROACH

Despite a legal structure which seeks to protect women from domestic violence, national statistics indicate that violence against women in India is endemic and increasing. Documenting the nature and extent of the problem will be essential for policy-makers and the public alike; such research will be useful for program monitoring and evaluation. In addition, designing a strategy that will focus on legal systems, raise public awareness, and empower women at the community level will be critical in effectively addressing the problem and achieving results.

BACKGROUND AND RATIONALE

This proposed activity will build on the findings from the initial strategy development visit to India in February 1996 in which USAID/India requested the International Center for Research on Women (ICRW) to assist in developing and updating a strategy for their new initiative in women's empowerment. It is envisioned that some activities in support of this strategy would be funded through an Operating Year Budget (OYB) Transfer from USAID/India to G/WID. These would be implemented through the cooperative agreement (CA) entitled "Promoting Women in Development: A Grants Program" (PROWID) which G/WID has with ICRW and its subgrantee, The Centre for Development and Population Activities (CEDPA).

In the course of the above activity, three sectors were identified as areas of interest and need for USAID/India in relation to women's empowerment in India. These were: women's political participation, women's access to microfinance; and violence against women. Following this trip, USAID/India determined its operating priorities regarding these areas. It was decided that women's political participation would not receive immediate emphasis, although the Mission remains interested in principle to identifying leading issues and possible avenues for future Mission activity. Women's issues related to microfinance would be best addressed through a centrally funded project in the USAID Office for Microenterprise Development.

Issues of violence against women, particularly domestic violence, and the responsiveness of legal structures to those issues were deemed appropriate for action within the framework of the PROWID program. The Mission expressed interest to initiate this activity by supporting development of an annual status report on violence against women. Initial efforts toward this end would have as their objectives: (1) identification and coordination of work with groups able to conduct the research, analysis and

dissemination of the report; and (2) formulation of a broader framework for activities combating violence against women which would build upon the foundation provided by work on the annual status report.

TASKS

The following tasks are proposed for the design team led by Dr. Cate Johnson (USAID/G/WID) for the period 12 August-2 September 1996, in an effort to carry forward the implementation of the Mission's strategy on violence against women:

1. Conduct a quick assessment of data that is already being collected around issues of violence against women by NGOs, donors and government offices (executive, judiciary, and possibly legislative). This will require that the team initially establish their working definition of 'domestic violence' and their plan for identifying and consulting those engaged in relevant data-collection activities. Have different team members scan different constituencies; these team members will then focus on their respective constituencies throughout the remaining stages of the subsequent work described below. Use this information as the basis for identifying the organization(s) that will produce an annual 'Nationwide Status Report on Violence Against Women' (hereafter referred to as 'the Report') and in collaboration with them identify the main areas to develop in the Report.

2. Select the organization(s) responsible for producing the Report and work with that organization(s) to prepare a proposal to be submitted to PROWID for funding of the Report. The proposal should specify:

- a. contents (main areas to be addressed and structure of chapters);
- b. what data sources will be used for the different chapters and to estimate incidence/prevalence of violence (including assessment of their reliability and accessibility from year to year for updating purposes);
- c. assessment of the possibility of using particular data sources to estimate health and other social costs of violence against women;
- d. staffing requirements, technical assistance needs, and an itemized budget for production of the Report;
- e. a supplemental budget for future costs associated with the annual updating of the Report; and
- f. a timeline of activities.

3. Work with the organization(s) responsible for producing the Report and other organizations engaged in relevant activities to promote local ownership of this activity and to develop a plan for dissemination of the Report. The team will explore the following options:

- a. Establish an "Eminent Advisory Council" to oversee the design, production and dissemination of the Report; the team will insure that the Council is linked to other activities of the Mission and will suggest candidates for membership.
- b. Identify the organization(s) able to coordinate and implement activities for dissemination of the Report, including conferences, press releases, and television and radio programs.
- c. Once identified, the team will work with the organization(s) responsible for the dissemination of the Report to help them prepare a proposal defining an implementation plan, including a budget and timeline, to be submitted to PROWID for funding.

4. Identify short- and medium-term indicators to measure the results of the Report's preparation and dissemination. These would include process, outcome and impact indicators. The team will propose an evaluation structure, including suggested members of an evaluation team, and a budget for the evaluation itself, to be submitted to PROWID for funding.

SUGGESTED TEAM MEMBERS AND THEIR FUNCTIONS

Suggested members of the design team include:

Dr. Cate Johnson, Team Leader (G/WID DG Coordinator): Will coordinate the activities of the team, maintain a liaison with the Mission, and oversee the production of outputs indicated in the terms of reference above.

Suzanna Banwell, JD, MPH, Independent consultant: Trained in law and public health, with research and analytical experience in violence against women as a public health issue; will assist in the design and development of the annual Status Report.

Maja Daruwala, LLB, Programme Officer for Human Rights and Social Justice (Ford Foundation, New Delhi): Trained in law, with experience in promoting women's rights, creating legal resources for communities, and developing advocacy skills among NGOs; will help coordinate team activities with local NGOs and identify gaps at the community level where women's needs remain unmet.

Kanchan Mathur, MA, Associate Fellow (Institute of Development Studies, Jaipur): Trained in sociology, with research and analytical experience in domestic violence and in the identity and impact of agents of change associated with women's development, with ongoing research addressing efforts in Rajasthan to counter gender violence; will assist in the design and development of the annual Status Report and in the identification and coordination of the organization(s) enlisted to conduct work on that.

Susan Deller Ross, JD, Professor of Law (Georgetown University Law Center): Specialized in areas of women's rights, domestic violence law and advocacy; will assist in the analysis of legal structures addressing violence against women and work with members of the judiciary and other offices of government as well as with local NGOs to identify gaps and recommend strategies.

Lisa VeneKlasen, MPA, Project Manager (The Centre for Development and Population Activities): Trained in public administration with emphasis on development policy, NGOs and democratization, currently managing the CEDPA portion of the PROWID grants program; will work with other team members to coordinate exchanges with NGOs and solicit local input into the design of the next steps to be taken in conjunction with the Mission's strategy on violence against women.

ANNEX C

Legal Framework Surrounding Domestic Violence in India

A. Legal Strategies for Ending Domestic Violence Around the World.

Around the world, efforts to use the law to decrease domestic violence have relied on several different kinds of law and several different strategies to enhance administration of the laws. By domestic violence, we mean violence which husbands or their relatives or agents inflict on wives.¹ In order to understand the Indian legal structure concerning domestic violence, it will help to first survey the available options. The different kinds of laws and strategies, and their advantages and disadvantages, include:

1. General Criminal Law

In any country, authorities could combat domestic violence by using longstanding, broad criminal laws, which prohibit the behavior for anyone who engages in the behavior regardless of his relationship with the victim. Among such laws are those that make it a crime to threaten, beat, assault, kidnap, rape, or murder another human being. In theory, these laws can be used to prosecute husbands who beat or otherwise abuse their wives. In reality, there is a longstanding tradition that police and prosecutors do not use these laws when the behavior occurs in the home, except in the most extreme cases such as murder.

The source of this tradition is that almost all legal systems initially allowed a husband to beat his wife as long as he did not exceed certain standards of cruelty, i.e., he beat her with a stick no bigger than his thumb (the infamous "rule of thumb"). While the legal systems of many countries would no longer openly articulate such a rule (though some still do), the police and prosecutors continue to act as though the rule were still in place. They simply do not investigate, arrest, or prosecute husbands for most violent actions against their wives. Through this state inaction, battered women learn that it is useless to turn to the authorities for help, and batterers learn that they are immune from any criminal liability for violence directed against their wives.

In addition to this tradition of nonenforcement of general criminal law for crimes in the domestic setting, many nations and

¹ Women are subject to a great many forms of violence outside the family setting by strangers and acquaintances, but that is a far broader subject beyond the scope of the proposed survey.

states still define criminal rape law specifically to immunize the husband against charges of raping his wife. In such places, the police and prosecutors are literally powerless to enforce criminal rape law in the domestic setting.

2. Special Domestic-Violence Criminal Laws.

In response to such problems of criminal nonenforcement, some countries have enacted special criminal laws specifically targetted at crimes committed by husbands against wives. Similarly, some countries or states have extended the crime of rape to cover husbands who rape their wives.

The advantage of the explicit approach is that it puts everyone on notice of the new standard. The disadvantage is that sometimes weaker domestic violence penalties are substituted for those provided by the broad, general criminal law. In addition, passage of the law alone, without a much more sustained effort to educate the police, prosecutors, juries and judges to apply the new law seriously, is usually ineffective; without such efforts the criminal bureaucracy continues to treat domestic violence as it has in the past. Moreover, many victims of domestic violence do not seek criminal penalties. Instead, they simply want the violence to stop.

3. New Civil Remedies -- Civil Protection Orders.

Many states have therefore created a new kind of civil law remedy for such victims of domestic violence, one that does not require them to ask the authorities to jail their husband as their first move. Instead, these new "civil protection order" statutes allow the women themselves to go to civil (not criminal) court to seek an injunction -- that is, an official court ruling, in writing, notifying the husband that the judge has found that he committed domestic violence, and ordering the husband to stop threatening or beating his wife. In addition, the statute often allows the woman to receive other forms of relief at the same time. For example, if she wishes to live apart for a time, the CPO can order the husband to vacate the family residence, and can give her immediate custody of their children and a right to receive maintenance and child support. Or if she wishes to continue living with him, the judge can order him to participate in appropriate counselling or substance abuse programs and to cease the violence.

Typically, this new CPO proceeding is set up to give the woman fast and inexpensive relief. Thus, courts may use simplified court forms that women can fill out without the aid of a lawyer, and the cases will come before a judge for a hearing within a few weeks of starting the case -- speed not available in any other kind of legal proceeding.

These new CPO laws put real power in women's hands in a court system which is committed to using the laws effectively. They provide that women can go back to court to ask the judge to find the man in contempt of court if he violates such an order. Upon finding him in contempt, the judge can fine the batterer or send him to jail to convince him there are real penalties for disobeying the law. The difference between this and a criminal law remedy is that the woman does not have to convince often recalcitrant police or prosecutors to take action; she has the right to go to court on her own behalf without the officials taking any action at all. In addition, once she has the order she can say to the batterer, in effect, "don't hit me or I can take steps to have you thrown in jail."

While this threat does not stop all batterers, there are some who do react rationally in response to the order and stop the behavior. Still others may require a jail sentence to get the message, but one such imprisonment may be sufficient for some of them to start obeying the law.

4. Traditional Civil Remedies -- Divorce, Separation and Torts.

In addition, there are the more traditional remedies for abusive behavior. If the wife wants a divorce or legal separation, she can sue for a divorce or separation based on his cruelty. But of course this is no help to a woman who does not want a divorce, and it gives the wife no ability to stop the violence from occurring.

Another legal remedy is to allow the wife to sue the husband for money for any injuries she has suffered from his assaults (or torts). Again, this does not help her stop the violence, and most husbands do not have the financial resources to make this even a theoretically appealing option. Moreover, in countries whose legal systems prohibit wives from suing their husbands for such wrongs (because the men are given interspousal tort immunity under the law), it is not even theoretically available as an option.

5. Enhanced Enforcement Measures -- Through Laws, Regulations, and Official Policies Requiring Changed Behavior By Officials in the Criminal and Civil Justice Systems.

Some countries and states have also experimented with new laws designed to encourage or force changes in official behavior. For example, laws may require police, prosecutors, or judges to attend training programs designed to inform them of the prevalence and costs of domestic violence, and to encourage them to begin enforcing the laws. Or the law may require the police to make an arrest whenever there is probable cause to believe a crime has occurred, with a presumption of probable cause whenever

there is an injury or witnesses to the event or a visible weapon when the police arrive.

Similarly, prosecutors may adopt new office policies of automatic prosecution of all domestic crimes, even when the wife asks that the criminal charges be dropped. In such offices, the prosecutors use creative strategies to prove their case in court. For example, if the wife refuses to testify, they put tape recordings of her calls for help to the police station in evidence, or introduce photographs of her injuries taken at the time she came into the police station to complain.

Or prosecutors may set up special domestic-violence litigation sections, in which the lawyers all prosecute domestic crimes, thus acquiring greater expertise and skill in prosecuting such cases and allowing them to maintain sympathetic contact with the victim. At the judicial level, the chief judge of a court may require all the judges reporting to him to undergo training sessions similar to those taken by the police. Law professors and domestic violence advocates might conduct such training programs.

6. Special All-Women Police Stations.

Yet another approach is to try to make women more comfortable about going to the authorities for help by creating special all-women's police stations, so that women will only have to talk to other women to report the crime. While more women may come forward to complain, critics worry that such all-women stations serve to marginalize women's concerns even more from the "regular" criminal-justice system bureaucracy, and therefore do not ultimately lead to more prosecutions.

7. Coordinated Interagency, Inter-NGO, Court Councils For Improving Domestic Violence Justice and Treatment Systems.

Finally, there has been a growing movement in recent years for courts to convene task forces of all the institutional players in the domestic-violence justice and treatment systems to improve the systems. For example, courts might form a working group from representatives of the judiciary, police, prosecutors, legal aid societies, law school clinical programs, public defender services, practicing lawyers, court administrators, social service workers, probation departments, hospitals, doctors, batterers' treatment programs, battered women's shelters, and interested local legislators. This group then studies the way all these institutions function together in relation to batterers and victims, and works to strengthen delivery of services both within and among the different institutions. Over a period of time, the group arrives at a consensus on needed changes and acts together to achieve them. For example, the courts might streamline their handling of all

cases involving domestic violence -- whether criminal, divorce, or civil -- by assigning one group of specially trained and motivated judges to handle such cases, and insuring that each judge handling a particular case has access to all relevant information concerning any such case involving the affected family members. Another step might be insuring that police have up-to-date information on all outstanding court orders concerning every batterer subject to a court order, so that police can act effectively on that knowledge when called to a particular home on a domestic-violence incident. Hospitals can change medical record keeping and examination practices to insure that medical records can be used in legal proceedings. Through such coordinated efforts, some cities have actually been able to lower the domestic-violence homicide rate.

B. Indian Laws and Strategies on Domestic Violence

As is the case in many other countries, Indian women's advocates, government entities, and NGOs have also been doing much to improve the law concerning battered women and domestic violence. As shown by the summary below of their efforts to date, their major success has been to achieve important reforms in the criminal justice system.

1. General Criminal Law.

India has the same general criminal laws that could be used to prosecute husbands for battering and other forms of abuse that most countries have. This includes laws on murder, assault, abetment to suicide, incarceration, and the like.

Rape is an exception, because Indian law specifically exempts husbands from prosecution for rape of their wives by defining the offense to exclude acts by husbands. The India Penal Code (IPC) section 375 provides: "Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape." Paras Diwan and Peeyushi Diwan, *Women and Legal Protection* 142 (1994) (quoting the statute). Professor Shobha Saxena explains the original rationale, based on the old British common law doctrine, for this husband-rape exemption:

The Criminal Law presumes that the husband cannot be guilty of rape committed by himself upon his lawful wife, because by their mutual matrimonial consent or contract the wife has given up this right which she cannot retract. The rationale behind this exemption was the doctrine of 'unity in marriage'. A man and a woman are merged into a single legal being upon marriage and that being is the man. So how could a man rape himself?

Shobha Saxena, *Crimes Against Women and Protective Laws* 81 (1995).

Professor Saxena explains two recent changes in India's law of rape which in theory allow prosecution of husbands for raping wives in some limited circumstances. The first allows prosecution of husbands for raping child wives (age 14 and under) (IPC section 375, quoted in Diwans, supra, 142). Professor Saxena notes the change but criticizes the failure to extend the new principle to all wives.

Not only child brides but all brides need protection. The dignity and freedom of the woman over her body must be honoured. A marriage license should not be viewed as a license for a husband to forcibly rape his wife with impunity. Why should a line be drawn on rape within marriage and rape outside marriage. The act of rape is self-explanatory. It is an act of violence. Marriage does not mean a woman's consent to be raped by her husband.

Saxena, supra, at 82. Despite this advance in the law, the ban on rape of child wives may not have much practical impact. The prohibition is simultaneously undercut by Criminal Procedure Code section 198(6), which immunizes the husband from prosecution for marital rape of child wives "if more than one year has elapsed from the date of commission of the offence." Bharti Tekchandani, Enakshi Ganguly Thukral, Snigdha Chakrabarty & Bishoka Chowdhary, *Within the Four Walls: A Profile of Domestic Violence* 100 (Multiple Action Research Group, New Delhi 1996). It seems unlikely that young girls whose parents have given them into marriage at such young ages will be in a position to complain to anyone effectively about marital rape at the time of the marriage, and especially within the relevant one-year time period after the marriage or rape.

A second recent change in Indian rape law allows the prosecution of a husband for raping a wife "who is living separately from him under a decree of separation or under any custom or usage" (IPC section 376-A, quoted in Diwans, supra, 144). Prof. Saxena also criticizes this provision. She notes the lighter sentence imposed on husbands for raping a separated wife (2 years) than that imposed on a stranger for raping the same woman (7 years to life), and quotes Flavia Agnes' point that:

"It is a very patriarchal assumption . . . and what it amounts to is that we are not against rape per se, but against rape by strangers. So much so that even a rape committed by a husband on his separated wife is awarded lesser punishment."

Id. at 109, n.90.²

One caveat to this discussion of rape law must be noted. If one defines domestic violence more broadly, to include violence against wives by family members other than the husband, the criminal rape statutes have a potential application in the domestic setting. In societies where a wife moves into the husband's extended family home, the new wife can be raped by the husband's brothers or father. Statistics indicate that many Indian women do file police charges of rape by their husband's brothers or father, and Indian law does criminalize that conduct.

While all the general criminal laws except the prohibition on rape could normally be used to prosecute husbands for domestic violence, the recent enactment of special domestic-violence criminal laws indicates that India has the same problem of nonenforcement of general criminal law by police and prosecutors in the domestic violence setting that other countries have confronted.

2. Special Domestic-Violence Criminal Laws.

India has two specific domestic-violence criminal laws, and has also enacted a wide variety of other criminal laws to stop violence against women in the public arena (i.e. in places other than the home).³ The more general of the special domestic-

² The new sentence for husband rape of a child bride aged 12 or younger is a minimum penalty of 10 years under an amendment to IPC section 376(1), versus the prior sentence of 2 years only. Bharti Tekchandani, Enakshi Ganguly Thukral, Snigdha Chakrabarty & Bishoka Chowdhary, *Within the Four Walls: A Profile of Domestic Violence* 100 (Multiple Action Research Group, New Delhi 1996).

³ The Indian Penal Code has many provisions relating to stranger or acquaintance violence against women specifically. They have come to be known as crimes against women, and include: rape (IPC section 376); kidnapping and abduction for different purposes (IPC sections 363, 366, 366A, 366B, 373, 374); molestation (IPC section 354); sexual harassment (IPC section 509); and importation of girls (IPC section 366B). Special laws prohibiting the commission of sati, trafficking of women for immoral purposes, etc. have been enacted as social legislation to prevent certain reprehensible practices against women (i.e., burning or burying alive the widows of deceased men; trafficking girls for purposes of prostitution). Similarly, in recognition of the special social disabilities that women subjected to rape face, legislation reversing the burden of proof in situations of custodial and gang rape has been enacted along with mandatory minimum sentences for such rape. At the state level some states,

violence criminal laws is section 498-A of the Indian Penal Code, first enacted in 1983. It makes physical or mental cruelty to the wife by her husband or in-laws a new criminal offense, with imprisonment of up to 3 years or a fine as a sanction. It defines cruelty to include:

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her [or] any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Diwans, supra, 137 (quoting IPC section 498-A). The law does not allow courts to take such cases if someone other than the police or the wife and her family (Criminal Procedure Code section 198-A, quoted in Diwans, supra, 138) files a charge with a magistrate. Evidently the purpose behind this provision was to prevent harassment of the husband and his family by "a person who does not look kindly to them or is [inimical] to them" (id. at 127), but its effect is to prevent neighbors who have witnessed the violence from going to a magistrate for help when the police have refused to take action.

The paragraph (a) language -- specifically, "conduct which is of such a nature as it likely to . . . cause grave injury or danger to life, limb or health (whether mental or physical) of the woman" -- is broad enough to cover beatings and other forms of physical and mental abuse that have no relationship to demands for dowry. It is not clear, however, that the criminal justice system uses this broad phrase to reach non-dowry-related beatings, threats, and other assaultive behavior against the wife. For example, while both the Diwans and Prof. Saxena discuss case law construing the cruelty crime in a dowry context

such as Andhra Pradesh, have also criminalized the practice of devadasi. See Diwan & Diwan, supra, pp. 49-54 (discussing state laws concerning practice of dedicating virgin girls to "temple prostitution").

The sections on crime against women also include laws relating specifically to violence by husbands against wives, discussed in text above as special domestic-violence crimes. Here we find physical and mental cruelty by husbands (IPC section 498A) and dowry-related homicide (IPC sections 302/304B) (creating a presumption of unnatural death where a married woman dies within 7 years of her marriage).

(Diwans, supra, 117-119, Saxena, supra, 126-127), neither presents any cases of domestic-violence criminal prosecution in a non-dowry domestic context (*id.*).

Moreover, the requirement that injury inflicted on the woman be **grave** clearly exempts some forms of husband abuse from punishment -- that is, beatings which cause only **mild** injury. And if police, prosecutors, and judges interpret the law as requiring proof that "danger to life, limb or health" be **grave danger**, many forms of physical assault will also be treated as within the husband's normal range of authority, e.g., slaps. The statutory language, the literature about the subject, and interviews thus suggests that, in fact, the criminal justice system actors do not use the law to reach either non-dowry-related beatings or most forms of husband threats and other assaultive behavior against the wife.

The second new domestic-violence crime, added in 1986, focuses on deaths caused in a dowry context, i.e., "dowry deaths". The offender can be sentenced for any period from a minimum of 7 years in prison to a maximum of life imprisonment (IPC section 304-B(2) (Diwans, supra, 120). The new section 304-B of the Indian Penal Code provides:

Where the death of a woman is caused by any burne or body injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with any demand for dowry, such death shall be called 'dowry death' and such husband or relative shall be deemed to have caused her death.

Diwans, supra, 119-120. Since this presumption applies only where the wife was subject to "cruelty or harassment by her husband or any relative of her husband," it incorporates the IPC section 498-A definition of cruelty or harassment with all its limits. And as with the cruelty statute, the dowry death statute prohibits magistrates from taking action unless the wife's family or the police have filed a charge (section 174, Code of Criminal Procedure, as quoted in *id.* at 126). Dowry death has been successfully prosecuted in India, though the intermediate courts have seemed rather hostile to the concept. Both the Diwans and Prof. Saxena discuss several dowry death cases in which the trial court convicted, but the intermediate court of appeals reversed. Years later, some of these convictions were reinstated by the highest court (the Supreme Court). See some of the cases discussed in Diwans, supra, at 121-124, and Saxena, supra, at 131-154.

Though there are strong new domestic-violence criminal laws

on the books, Prof. Saxena asserted as late as 1995 that there was still a problem with enforcing such laws:

The experiences of women with the enforcement machinery are not very happy. Most of them, 94% of the 87 persons (both men and women questioned) were disappointed with the obstructive role of the police, the problems faced in hiring an efficient and knowledgeable lawyer and the tardy pace at which the case proceeded. Only 6% of the women, who belonged to the upper strata of society[,] were satisfied.

Id. at 332. A 1996 study published by the Multiple Action Research Group made a similar point:

Section 498-A can be an effective deterrent to violent husbands if only the judiciary and the police interpret and enforce it in the right spirit. Usually the police do not register a complaint under this Section unless dowry harassment is specifically mentioned. As a result, vague allegations of dowry demands are added to genuine complaints of wife beatings. This often weakens a case leading to acquittal of the accused. Also the Section does not protect a woman's right to the matrimonial home, or offer her shelter. This leaves no other choice with the women but to work out a reconciliation. Despite these limitations, this Section has been useful in bringing husbands to the negotiating table. Since the offence is non-bailable, the initial imprisonment for a day or two helps to convey to the husbands the message that the wives are not going to take the violence lying down any longer.

[Bold in original:] Bharti Tekchandani, Enakshi Ganguly Thukral, Snigdha Chakrabarty & Bishoka Chowdhary, Within the Four Walls: A Profile of Domestic Violence 88 (Multiple Action Research Group, New Delhi 1996)

3. New Civil Remedies -- Civil Protection Orders.

India does not currently have the kind of civil protection order statutes on the books that some other nations or states have enacted. There appears to be some interest in the subject, however. The National Commission for Women has drafted such a proposed law, and the Lawyers Collective based in New Delhi has proposed an even stronger and more effective statute. For a copy of each, see Bharti Tekchandani, Enakshi Ganguly Thukral, Snigdha Chakrabarty & Bishoka Chowdhary, Within the Four Walls: A Profile of Domestic Violence 107-133 (Multiple Action Research Group, New

Delhi 1996).⁴ The commentators are also aware of the trend toward this kind of law in other countries. See, e.g., Diwans, supra, at 114.

4. Traditional Civil Remedies -- Divorce, Separation and Torts.

Within the Indian civil law system, cruelty is recognised as a ground for separation or divorce. However, since the Indian legal system does not yet have uniformity, but requires the application of religious law to each different religious community,⁵ the application of cruelty as a ground for divorce or separation is uneven across the resulting spectrum of matrimonial laws.

Cruelty is a ground for both separation and divorce within the Hindu Marriage Act 1955, the Parsi Marriage and Divorce Act 1936, the Foreign Marriage Act, and the Special Marriage Act, 1954. Under the Indian Divorce Act which applies to Christians, cruelty is a ground for judicial separation only. In order to become a ground for divorce by suit of the wife -- though not for divorce by suit of the husband -- it has to be coupled with adultery. Under the Dissolution of Muslim Marriages Act, a wife is given the right of dissolution of marriage on grounds of cruelty which are then spelled out and include habitual assault or making life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment. One such form of ill-treatment is where "he has more wives than one, [but] does not treat her equitably in accordance with the injunctions of the Quran." Being subjected to co-wives against her will does not, however, constitute grounds for a divorce based on cruelty.⁶

⁴ Appendix II, at 107-125, provides the Model Law on Domestic Violence as formulated by the Lawyers Collective. It is based on Lisa G. Lerman, A Model State Act: Remedies for Domestic Abuse, Harvard Journal on Legislation, Volume 21, Number 1, Winter 1984. Id. at 125. Appendix III, at 126-133, provides the Draft Bill on Domestic Violence as prepared by the National Commission for Women, which was approved by the Expert Committee on Laws in its meeting of August 18-19, 1994. Id. at 126.

⁵ It would be an interesting issue to explore whether this requirement that women be married under religious law drawn up by religious bodies from which women have been formally excluded, also as a matter of religious law, constitutes an "establishment of religion" in violation of Indian constitutional or international human rights law.

⁶ Although the law gives only men, and not women, the right to have more than one spouse, this particular sex-based law does not yet appear to be viewed as a violation of women's right to

India may also have general civil tort law that could be used to seek money damages from abusive husbands, but there was no mention of it in the literature reviewed by the team and none of those interviewed brought it up as a possible form of relief.

5. Enhanced Enforcement Measures -- Through Laws, Regulations, and Official Policies Requiring Changed Behavior By Officials in the Criminal and Civil Justice Systems.

Indian NGOs and government bodies do not appear to have focussed on changing official behavior through laws, regulations, and policy. There have been some efforts to improve enforcement of the laws on the books through voluntary education programs, however. Some NGOs have offered gender sensitization services both to police already in service and to those in training. For example, Kali's Yug, the Warlaw News Quarterly, at 28, announced such activities in its inaugural volume (April 1996 Vol. 1 No. 1). Similarly, the Centre for Women and Law at the National Law School of India University also offers gender sensitization for civil servants.

6. Special All-Women Police Stations and Mediation Centers.

This is an area in which India has taken a lead. In 1986, the Crimes (Women) Cell was created, allowing special all-women cells associated with police stations. Yet Prof. Saxena is rather critical of this initiative, noting that it had "no specific guidelines," no "new powers," and no "observable autonomy." Saxena, supra, at 364. She concludes:

There is a growth in the number of complaints registered in the Cell yet compromises, convictions and cases filed in courts by it [have] declined. Even the compromised cases are statistically unreliable. 60% of the 20 compromised cases examined during an investigation had never received any follow up call from the Cell, about 20% had broken up but the Cell was not even aware of them. The aggrieved women were so disgusted and disillusioned with the lack of concern of the officers of the Cell to find out about their welfare that they did not wish to go to the Cell again.

Id.

A similar kind of project involves special "women's courts." In 1996, the National Commission for Women started a new initiative to help women get faster resolution of family disputes that had been pending in various courts for long periods of time.

equal protection of the laws under the Indian constitution.

The Commission named this effort the Parivarik Mahila Lok Adalat, or Public Courts for Women in Family Disputes.⁷ These "women's courts" are in reality a mechanism for helping parties voluntarily settle pending cases, with court approval of the agreement if they reach agreement.

Under a plan approved by the National Commission, local organizations (the District Legal Aid Advice Board, local District and Sessions Judges, and local NGOs) organize a process for helping to settle such cases. The process involves picking a holiday or weekend day in which judges will sign off on the final settlement at no cost to the participants. Preceding this local-court day, there is a short period of time (perhaps 2 months) during which the Legal Aid Bureau selects cases from existing court dockets that might be amenable to settlement and sends conciliators to work with the parties during pre-litigation-counselling sessions held on local court premises. Then on the appointed court day, the judges conduct hearings before the parties concerning the terms of the settlement, issue the appropriate court decrees, and withdraw the settled cases from the dockets of the courts which previously were handling the cases. Cases that do not settle are returned to the original court for normal processing after the designated settlement day.

The Commission began sponsoring these sessions in March 1996, and aims to handle about 100 cases during each such local-court date (which is held on a one-time basis). The kinds of women's cases handled in this forum include women's requests for maintenance, custody, separation, or divorce, often in the context of a domestic battering situation. Women who have filed complaints with a magistrate concerning marital cruelty under IPC section 498A (seeking a hearing by the magistrate on whether the police should be ordered to undertake an investigation of the matter) can also have their cases settled in this forum. No criminal cases are referred to the women's courts, however.

The primary purpose of these new mediation efforts appears to be to save women from repeated, expensive, trips to the formal court system, in cases which often have already lasted for years. There is also a considerable emphasis on encouraging the parties to reconcile. This is undoubtedly helpful in some cases but can be problematic in a domestic-violence setting.

7. Coordinated Interagency, Inter-NGO, Court Councils For Improving Domestic Violence Justice and Treatment Systems.

⁷ The description in text of this process is taken from the handbook published by the National Commission for Women, Parivarik Mahila Lok Adalat: Public Courts for Women in Family Disputes (July 1996).

Again, the team's efforts did not reveal any special efforts in this direction in India. Professor Saxena does, however, make an impassioned plea for improvement in these interconnected systems. See generally Saxena, supra, at 386-394, and especially 396-397 on "wife beating and cruelty."

8. Directions for Future Legal Action on Domestic Violence.

As this brief summary reveals, India has made significant progress on improving the law's treatment of battered women. But there is much more that could be accomplished. With the educational momentum achieved by compilation and dissemination of the information in the proposed Status Report, Indian governmental bodies and NGO's could propose major improvements in India's legal treatment of domestic violence. For example, they could seek to:

- * end the marital rape exemption;
- * broaden the definition of "physical or mental cruelty to the wife" under section 498-A so that it covers all forms of domestic violence;
- * pass a law providing all wives with the right to separation or divorce based on cruelty, uniformly defined to reach all forms of domestic violence revealed by the Status Report;
- * enact new statutes providing for fast, inexpensive, and comprehensive civil protection order relief, with enforcement through equally fast, inexpensive, and comprehensive criminal contempt motion procedures;
- * pass new laws requiring police, prosecutors and judges to be trained about domestic violence, and to improve their enforcement of existing and new laws concerning domestic violence; and
- * engage in mutual and coordinated inter-agency task forces to improve the delivery of services by courts, police, prosecutors, lawyers, law schools, social service workers, hospitals, doctors, and various treatment programs to both batterers and victims.

Passing new laws can be done rather quickly, so this approach should yield "visible, short-to medium-term results." Undertaking the more comprehensive efforts to improve the delivery of services will take more time, but the momentum achieved by the process of both compiling and disseminating the Status Report on Domestic Violence in India should help immeasurably in achieving that goal. Finally, the Status Report should yield some indicators which will help reveal India's

future progress toward real reductions in the incidence of domestic violence. For example, some localities in different parts of the world have actually been able to reduce the number of women who are killed each year by their intimate partners -- a statistic for which local government entities can easily assemble the data once the relevant identifying information about relationship of batterer and victim is added to official reports. That stark indicator would do much to show dramatic progress in India on the same issue that women around the world have begun confronting so recently.

ANNEX D

REVIEW OF INTERVIEWS SUMMARY

To fulfill the Terms of Reference Item #1 (see Annex A), the Women's Rights Team interviewed a wide range of women's organizations. Non-governmental organizations working with violence against women (both shelters and legal aid societies), government institutions, social science researchers and universities, a Supreme Court Justice, and the Secretary of Women and Child Development were all interviewed to ascertain (1) the usefulness of a Status Report on Violence Against Women; (2) what form this Report should take; (3) possible collaborators in compiling the data; and (4) dissemination. Interviews were conducted in New Delhi, Bombay, Pune, Bangalore, Ahmedabad, and Jaipur in August, 1996.

The following summarizes the perceptions of those with whom we met:

- Domestic violence is vastly underdocumented. It is pervasive throughout the world, affecting women's ability to realize their guaranteed rights as full citizens or access the benefits of development. Notwithstanding this lack of systematic documentation, many groups have been compiling their own data; some have even computerized their efforts.
- Domestic violence is frequently misrepresented as being a private issue solely affecting the poor, less educated and traditionally lower strata in society. In fact it is an issue of public importance which is prevalent everywhere. But there is little or no documentation to demonstrate the widespread incidence of violence, especially amongst the middle class. There is therefore a need to document the nature and extent of domestic violence throughout all sectors. In addition, it is important to research and analyze the cost of such violence and its concomitant effects on national development.
- At present, available secondary data on domestic violence in India is widely dispersed, often inaccessible, and of varied usefulness. Primary data is needed to augment secondary data, more accurately depicting diverse experiences.
- Expertise available in India is poised to work collaboratively on major efforts to collate and document the nature and scope of domestic violence against women, social responses, and successful interventions. These efforts could work together to influence public perceptions of the problem and inform the policy arena.

- Research organizations and NGOs see a need to collaborate together and compliment one another's work. Researchers clearly articulated the value of activists' experience; activists in turn felt that they would benefit from the wealth of technical expertise which researchers provide to better plan their own future advocacy and interventions.

Everyone who was interviewed was open to sharing their experiences and data, and receiving information about other studies and successful intervention models which could be adapted to local situations. The WR Team was struck by the generosity of groups and their willingness to work collaboratively to participate in efforts to further all efforts to document domestic violence against women.

To express the Team's appreciation to these women, a packet of new reports concerning global violence against women is being sent to all those interviewed.

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ISST is essentially a research organization grounded in realities of women's lives. For this reason they also run a counseling cell. They come across any number of cases of violence. Their research has indicated that women remain in abusive situations because there is no support in the community. In her view the primary need was to provide women with real alternative which would allow them to escape from an emergent situation and assist them in gaining effective access to justice. Their experiences in family counseling and their research had led them to develop a directory of support services available to women. In discussing research on violence against women Swapna felt that a more systematic research on domestic violence would help to decrease its subjective nature and make domestic violence more 'transpositionally objective'. In addition she felt it would become more visible; at present, it only becomes visible when there are dire circumstances and intervention is sought.

However, she stressed that while ore and more research provided better perspectives upon which to base policy interventions , actions need to be taken in parallel which would provide women with alternatives. This would encourage other women who hither to have suffered in silence to come forward, and create more visibility for the problem of violence.

Swapna reaffirmed that there were many places where data on violence was available or from which the incidence of violence could be extrapolated, such as family court records, police records, health records, microstudies and surveys by NGOs working in development or social justice. In addition the Central Social Welfare Board and family counseling centers offer a national catchment area for secondary data, as do the legal aid cell records.

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Accord works on gender sensitivity training and develop training materials. Working project by project, they use their research to develop materials and train facilitators and community level groups. They have worked with CEDPA before and are a nodal agency for CAPARTs training on gender sensitivity. They have collaborating NGOs in Rajasthan , Gujarat and UP. They feel they have a knowledge about creating a climate to encourage women to speak out about difficult issues.

They felt that though there are many micro-studies these have not been collated nor is there enough solid data to indicate the real prevalence, incidence or attitudes to violence; nor how a community responds to violence. Their experience with crime records indicated that the available data was not sufficiently disaggregated to accurately describe the perpetrator(s) in the family. Nor do the data indicate the existence of practices such as droit du signeur which continue in large tracts of the country and are akin to violence. However, they like ISST, believe that there is enough data to indicate that there is a great deal of violence and that without alternatives and support for the women who face violence there can be no change of attitude in the surrounding community. This pervasive attitude perpetuates domestic violence.

Ankur

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Jaya Shrivastava

Merinder J. Kaur

Vilha Vohra

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Ankur is a small NGO involved in informal education of young people, particularly girls, in slums in 5 districts of Delhi. They do not deal directly with violence against women but come across it commonly because of the pervasiveness of wife beating among their target group. The visit to Ankur contributed the suggestion that children are reliable and accurate vectors of information about family violence and could be a valuable source of information in any research effort.

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In contrast to Ankur, JWP is a large church based organisation which works in 14 states. It works mostly in rural areas with tribal populations but it also has a presence in some cities, most notably Delhi and Bangalore. In addition to their consciousness-raising work they also work in community organization and outreach. They have a research component based on their work and collaborate with other women's organisations in campaigns. Presently they are part of the growing network of women campaigning for violence against women. Earlier they have worked on prostitution, the Devdasi system, and the problem of HIV/AIDS. In Delhi and Karnataka JWP has been working with the police on gender sensitization. Their experiences indicate that violence against women comes out of the essentially patriarchal nature of society in India, the belief that men and women are rightfully unequal. The most common attitudes they encounter from men about violence against women is that women are women's own greatest enemy, and that women often deserve the violence they get and need to be taught a lesson. Most particularly this is said in instances of rape.

Like many other organisations JWP has not conducted a systematic evaluation of their work in the area of consciousness raising, nor analysed the rich data to which they are privy in a way which would provide intervention models. But they do have a large network of groups with which they work which could assist in developing data on domestic violence.

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Sakshi is a strongly proactive women's group which addresses violence against women. It advocates through court cases and develops feminist legal and research methodologies to highlight the prevalence of violence, forcing the examination of institutional attitudes. Sakshi is part of the campaign for violence against women in Delhi and has projects looking into sexual abuse, violence and mental health, judges' attitudes to sexual violence and introduction of legislation which explicitly addresses the issue of sexual harassment in the workplace. It has cooperating networks in Madras, Bangalore and Gauhati in the North-East. Sakshi feels that there is a clear need for an annual status report on violence against women and suggests that while the challenge of statistics could be overcome the difficulty of evolving a feminist analysis would persist as feminist research methodologies were not available at present in India.

They felt strongly that the report should be the first of many in a sustained effort and that statistics should be complemented by innovative feminist analysis, case histories and documented instances of successful interventions. Sakshi discussed the difficulties of setting boundaries to this type of study, and urged that the report be envisaged as a collaboration between researchers, policy-makers, and activists.

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In many ways CWDS is the premier women's studies centre in India. It is a long established well reputed independent academic institution devoted to studying the status and condition of women in the context of a traditional yet rapidly developing society like India. It has an experienced staff of sociologists, social analysts, lawyers and researchers. They have done considerable work on domestic violence and agreed with Sakshi that the difficulty lies not with establishing broad trends or accessing numbers but in ensuring a perspective and analysis which would create a direction for social change to take place by catalysing action within institutional establishments and changing attitudes to violence in the general public.

Looking back at older campaigns within the women's movement they felt that while campaigns for legislative change had been extremely successful in getting products, it was the process itself which had promoted consciousness about the plight of women across the country. The future challenge remained implementation and enforcement. Success depends as intimately on changed attitudes to women as to insisting on accountability. They argued that the present trend of women's NGOs to go in for gender sensitization trainings of government officials in fact obscured the debate on accountability of police and other institutions of governance, which should be the primary thrust of civil society in a democratic country.

CWDS contrasted the need for a report on domestic violence to the need to analyse the growing phenomenon of violence in the community as a manifestation of power structures. They felt that a report on domestic violence alone would be leaving out larger issues of subordination, discrimination, power and privilege by leaving out caste based violence, violence based on property struggles, or competition for natural resources, communal violence and the perpetuation of traditional instances of violence such as the situation of widows or Muslim women. This suggests the idea of analysing the manifestation of domestic violence as a phenomenon not of culture but of social change.

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Ms. Jethmalani, a feminist lawyer, set up WARLAW as the first women's public interest law group about three years ago. It advocates for women's issues primarily through litigation. As a new group it has yet to use its considerable information base to analyse violence against women. Ms. Jethmalani felt that the persistence and prevalence of violence against women was a symptom of a deeper and pervasive societal malaise, particularly prevalent in North Indian society which seemed to accept greed and avarice as a justifiable norm. Lack of accountability reinforces what she referred to as "an obscene culture". This echoed CWDS's analysis that prevalent trends ground the continuance of violence, that violence against women is both a manifestation and a subset of a larger societal malaise and that lack of accountability supports and entrenches present trends.

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Lisa VeneKlasan

Padma Seth, member NCW, stated that the First National Commission for women was constituted on Jan 31, 1992. The second Commission was set up on July 20, 1995. The functions of the Commission include: review of constitutional and legal safeguards for women, recommending remedial legislative measures; facilitating redressing of grievances and advising the Government of India on all policy matters affecting women as defined in Section 10 of the Act. The state governments have formulated State Commissions for women in ten states of India.

The Commission has organized Parivaric Mahila Lok Adalats in most states. These "speedy courts" hear civil cases brought by women. The courts were established in response to the backlog in the formal courts. These courts have settled 6,000 cases in a period of months. NGOs facilitate this process by publicizing that the courts will take place, assisting women to bring their cases and by involving counselors and judges from the local area. The Legal Aid Board serves summons. They have over 600 social workers who follow up with the women after the cases are settled to ensure that the orders are being complied with and that the women's concerns have been addressed. They have also received some cooperation from the police, such as police interventions in cases where the accused perpetrator does not voluntarily appear in court. The courts, however, have heard only a few cases of wife beating.

The Commission has prepared draft legislation on a number of topics including domestic violence and an ordinance on child rape as well as a uniform marriage bill. They thought it would be difficult to get some of these initiatives through parliament, but said that they had "a lobby" working on it.

The Commission welcomed the idea of the status report. They felt that statistics would be helpful in lobbying for the bills but also wanted case descriptions and analysis of the data.

Mrs. Mohini Giri, Chairperson of the NCW, noted that when they first conceptualized domestic violence they understood the root

causes to be alcohol, poverty and illiteracy. But after talking to a delegation from Sweden, a country with high GNP and literacy where abuse is nonetheless common, the Commissioners determined that the root cause was societal attitudes.

The Commissioners mentioned that they sometimes temporarily shelter women attempting to escape abusive situations in the offices of the Commission; these women have no other place to go.

The Commission has also done some work with the police around gender sensitization, and has recommended establishing a special women's police squad to respond to cases of violence against women.

They also have several committees looking into specific issues of concern to women and have produced numerous reports including one on violence against prostitutes. They brought together and interviewed 57 prostitutes who came with NGOs, and trained them as AIDS educators. They are also working with women inmates. Interviews with some of the inmates revealed that many who had been locked up for long periods for minor offenses. The Commission has helped in securing the release of some of these women, and is considering setting up jail adalats, or councils.

National Crimes Records Bureau
R.K. Puram
New Delhi

NCRB
Mr. L.C. Amarnathan
Mr. Johari
Ms. Shah

USAID & WR TEAM
Romita Ghosh
Cate Johnson
Suzanna Banwell
Maja Daruwala
Kanchan Mathur
Lisa VeneKlasen

Mr. Amarnathan began by giving an overview of the National Crimes Records Bureau. He stated that besides the National Bureau there are Crime Bureaus in all districts and states. The Bureau works as a national clearinghouse on all crimes. They have found that although the criminal code is consistent, the data collection and reporting mechanisms vary widely across the country. The NCB was reorganized in 1986 and became functional in 1988. To ensure that all relevant information on crimes is duly recorded, he has set up a computer infrastructure. He said that the next step will be to integrate the system. They produce an annual report called "Crimes in India;" the 1994 edition is available and '95 is forthcoming. The '94 edition covers 3.5 million crimes reported under state law and 1.6 million under federal law.

The NCB is setting up a system that will ensure the First Information Report's¹ inclusion in the data base. However, he also agreed that there are many instances when women in particular are refused or dissuaded from actually registering their complaint when they get to the police. He suggested that NGOs might know about those cases, but his computer system has no way of tracking them.

He said that domestic violence comes under the cruelty act as well as other "special laws" that cover, for example, the immoral traffic of women and dowry deaths. Because the Bureau only tracks crimes, however, he acknowledged that there are many cruelty and abuse cases in the legal system, specifically those brought in family or civil court, that the Crime Bureau doesn't track or record.

Mr. Amarnathan said the proposed report would be "quite helpful." He welcomed an effort that would organize and analyze data on violence against women.

¹ The First Information Report, or FIR, is the criminal complaint filed by the accuser.

Women's Features Service
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Anita Anand, Director

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Women's Feature Service is a world feature service that provides syndicated columns on feminist topics.

In reference to stories about violence against women, Anita said that verifying information and sources has been 'highly problematic.' She said that journalists often only have anecdotal information to go on and must verify with whatever sources they can find. She personally tries to verify information two or three times if possible.

She said that there was little media reporting on this issue and what there was tended to be highly voyeuristic. She said that WFS had made a conscious decision not to directly protest the way the main stream media portrays violence against women but instead try to teach by setting a highly professional and ethical example.

She also said that WFS had intentionally gone a little slow with regard to raising issues such as rape and domestic violence, because of the lack of support services such as counseling centers and shelters available to women. She did mention, however, that WFS is working on a legal literacy series for radio and suggested that the team consider radio or video, as well as a written report, in order to reach a wider audience.

She mentioned a 'men against violence' project in Bombay as one of the more interesting of which she was aware. In that project, she said, men are taking responsibility for checking the violent behavior of other men.

She recommended that we convene focus groups to determine the definition of violence against women from an Indian perspective. She also stated that it was very important that the report recognizes that violence cuts across all castes and is a problem for middle and upper class women as well as for poor women.

Multiple Action Research Group (MARG)
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MARG
Vasudha Dhagamwar
Bharati
Seema
Medhu

WR TEAM
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MARG is a research and advocacy group that works in the areas of violence against women, displacement and development, and legal literacy.

Vasudha began the discussion by stressing concern that the proposed report would only focus on India alone and not include an analysis of violence against women in other countries as well. She was particularly concerned that the exclusive focus on India give the impression that India was 'the most violent' and that an 'exotic' notion of violence would be portrayed. The team explained that PROWID is actually a global program intended to fund women NGOs, but also explained that this particular report was going to be a collaborative effort which would include women's NGOs. Nonetheless she stressed that some, including MARG, would protest it if the emphasis remained solely on India. Medhu and Bharati also commented that, for instance, the Beijing Platform specifically names FGM as an issue but fails to also mention Western forms of violence such as anorexia, bulimia, and breast implants. While there was disagreement in the group about the aptness of this specific comparison, there was general agreement that patriarchal norms are the underlying cause of subordination of women.

With regard to the problem of defining violence, and specifically domestic violence, it was strongly urged that the definition come from Indian women themselves. Also, it was recommended that the report making process be proactive in the sense that awareness is raised through the process of creating the report itself.

Madhu said that the definition of violence against women was a very important issue for NGOs preparing for Beijing. In particular, the lack of attention to the "violence of displacement," "violence of development policy," use of the National Security Act against women in leadership, rape of women in leadership positions and "violence related to health policy" were all highlighted.

Vasudha also suggested that the definition of domestic violence include violence against the elderly (including elderly men), young girls, and handicapped or diseased persons. She said that in India "domestic violence" refers only to wife beating, and

that definition is inadequate. She also said that domestic violence includes violence of the mind as well as the body.

It was suggested that new opportunities are available through the requirement that the panchayat is now required to reserve 33% of seats for women. It was suggested that this created a good opportunity to ensure that issues such as d.v. get the attention they from politicians. There was also a discussion about violence against women who stand for elections, including spousal violence perpetrated by candidates' husbands. It was suggested that the women and child development mandate of each panchayat could be used to raise awareness about violence against women.

Vasudha was emphatic that while dealing with issues of domestic violence the team must not think only in terms of alternatives such as shelters, because most women want reconciliation within the home.

Karmika
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KARMIKA
Subhadra Butalia

WR TEAM
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Maja Daruwala
Kanchan Mathur

Karmika is a women's support and legal aid NGO which has been in existence since 1979. Their work is primarily with slum women on issues of violence against women.

Subhadra strongly suggested that the team not limit the scope of the report to domestic violence, because she said there was violence outside of the home that was "much worse" such as rape, abduction and harassment. The social structure puts women in a subordinate position, and she suggested that the struggle is not only against men but also against the entire society. She added that she did feel that 'everything emerges from within the home.' She said that because both men and women are victims of social conditioning, even a batterer is a victim of the societal norm and values he lives under. She also urged that the report should not discriminate between the rich and poor.

Karmika collects data from newspapers and also keeps statistics and case studies from its own cases.

In their experience, the battered women who come to them for services:

- Request privacy and are concerned that their story is kept secret;
- Don't want to come to the office, it's too public. Instead they want to meet Subhadra at her own home;
- Express concern that if they go to police or make their situation public, their situation at home will get worse.

Although Karmika offers counseling and legal aid, often women simply want the chance to talk and share their problems. Subhadra said that women's fear often turns into action when they "get fed up" and have something to fall back on, but, she said, dependent children keep women in the relationship.

She explained that though the government run "short stay" homes were set up to aid women in crisis, a subsequent policy determined that the women in the homes had to work and set them up as domestic help in upper middle class homes. These women have no choice in the matter and no one monitors to ensure that they are paid. Karmika is trying to assist women who have been

abused as a result of this system, but is discouraged about their inability to find good legal representation for women with whom they work.

She also stated that NGOs are in their 'own grooves' and not working together as they once did. With regard to rape and other offenses in general, she said that the process is much too long and women often drop their cases because to pursue them takes 8-10 years. For many this wait takes too great an emotional and/or economic toll.

She repeatedly stressed the importance of property rights and their connection to domestic violence. She said that under Rajiv Gandhi a joint property ownership bill had been passed but that a stay had been placed on it as soon as it came into effect. She said that as long as women have no alternative place to go they had no choice but to stay in violent relationships. Therefore, she felt that social security and shelter in some permanent form were crucial.

She was supportive of the idea of the report and thought that it sounded like a good first start in addressing the complex problem of violence against women.

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Sudha Tiwari

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Sudha briefed the group about the work of the organization. Shaktishalini runs a shelter, case work and rehabilitation. The organization also works against the tradition of dowry. Sudha said that there were 10 to 15 shelters in all of Delhi but this is the only women's NGO shelter in the city. The shelter's capacity is officially 8-10, but they have housed as many as 45 at one time. In general they try to accommodate everyone, but can't take women who are mentally ill. They take women with children but no boys older than 10. Where women do have older sons the grandparents are usually asked to look after the sons.

Although the normal time limit for a stay is three months, some women stay for years. Also, women tend to come and go back home several times. She said the reason they go home to abusive husbands is because they 'need sex like they need food' and because they have emotional attachments to their men and children. She said that only educated women can look for work because there are few opportunities for uneducated women.

Sudha further elaborated that there were two sides to every situation, and the shelter counselors help women realize that 'often there was a big rift over nothing.' She also said that the shelter workers watch the women cook and clean and care for their children in the shelter, and "correct" them so that their behavior is not so offensive to men. For a long time they only focused on women's issues, but now they have men who are seeking assistance for violence perpetrated against them. Although they try to counsel men as well as women in cases where the man has been abusive, she said it was very hard to counsel men, particularly high status men.

According to Sudha, Shakti Shalini collaborates with different NGOs including Marie Stopes and other family planning clinics, and the NGOs refer women to the shelter as the need arises. They also have lawyers, many of whom are in private practice, who cooperate with them when women need counsel. The lawyers offer their services to women in the shelter at discounted rates. In order to work with the shelter the lawyers must have a feminist perspective and must pledge that they will not take bribes from the 'other' side.

Each case intake includes a case history and a request for the specific services each woman is looking for. The shelter advertises its services through counseling centers they have established in three major slums of Delhi and also through word of mouth.

In the beginning the shelter had a very strained relationship with the police, but that has improved. The police have realized that the shelter's existence makes their job easier because, for example, they no longer need to hold women in jail over night but can send them to the shelter. Although they have done sensitization training with the police, she said police conduct was still a big problem.

She identified harassment because of dowry as the biggest problem women face, although she also said that initially women speak of their problems as related to dowry even when they are not, because dowry has become shorthand for any number of marital problems.

She said that implementation of laws was a problem, and that the legal system was so weak that it was actually very difficult to punish men. She said that the cruelty statute is too broad, and could be more effective if there were separate punishments for separate offenses. She felt that if the laws were implemented half the problem would be solved.

She thought there was definite need for the report, but she wanted to know 'Why only India?' She also expressed concern that 'the agenda of funders was only to highlight issues of the third world.' When the team reminded her that it did not solely represent funders she replied: 'I know. I wouldn't have talked to you this long if you did.'

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Urvashi Butalia

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Kali for Women is a publishing house that publishes feminist books on women and women's studies.

Urvashi suggested that the report should not be 'annual,' but instead should be updated periodically as new information became available. She also suggested a more flexible format such as a loose leaf with high quality, topical brochures that could be used for advocacy. She also suggested setting up a data bank or clearinghouse that would continually gather and update information.

She thought the "all India" approach was too ambitious to start with, and instead suggested that the report bring out data in stages. She recommended taking four or six states based on a set of criteria and starting with them, and then moving on to others later. That approach would be more manageable, would allow for correction of mistakes. She also thought dissemination would be much easier if the report were smaller and more focused. In the alternative, she thought a look at 'best or interesting practices' that covered efforts to deal with this issue directly as well as those initiatives that were looking at it from another angle (such as microfinance, e.g.) would also be 'very good.'

Urvashi also suggested that:

- It not be called a 'report' because that implies hard data that doesn't exist;
- It be very careful not to stigmatize lower castes;
- Careful sample selection was a must.

She emphasized that credibility with local groups was essential and that the report had to be written by groups with good reputations at the grassroots level.

She said that the topic is 'difficult if not impossible to define' and that groups would struggle with that aspect alone. She knew of the work that had been done already and remarked that each had value, but each also had its shortcomings.

She thought a scientific statistical study was not really possible, but that it would be interesting to 'explore the silences' by trying to talk to perpetrators. She also recommended that the focus be on the extended family as well as the household where the violence occurred.

She argued against an exclusive focus on India, and thought cross references to violence against women in other countries would lend weight to the report.

Jyotising

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JYOTISANG

Tejal
Hasina
Kajal Patwa

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Jyotisingh is a social institution established in 1934 by Mahatma Gandhi. It caters to a large number of women who are in need of counseling and legal aid. The institution has a panel of advocates and legal consultants. They have dealt with 150,000 cases since inception and approximately 40,000 cases in the last decade. They also provide vocational skills for women, i.e. tailoring, embroidery, etc. Though the main office is in the heart of the city since 1992 an effort was made to reach women in Sanand Taluka which is around 23 km from Ahmedabad. Tejal and Hasina who are based in Sanand described their efforts to reach out to women here. They said that the initial survey itself pointed out that women had no idea of legal literacy because they were non-literates. They chose Sanand Taluka because it has around 100 villages and the maximum number of cases. They gave details of the organizational structure which was established for women's outreach. At present, many women have been contacted. Training is provided on political participation (Panchayati Raj), Arogya (real wealth) social laws and counseling. Usually if women need support, such as with shelter cases, they are referred to Vikas Gruh Sheri Mahapatram Ashram.

Kajal Patwa felt that bringing out the proposed report was a good idea because the figures in Gujarat were alarming. There was 1 unnatural death of women in every 10 days. In cases of domestic violence the main problem was alcoholism and suspicion of women's fidelity. According to them the men feel that violence against women is increasing because women's tolerance levels have come down.

Meeting with NGOs of Ahmedabad

A meeting with some of the local NGOs was organized by Ms. Merinaliniiber on the Jyotisingh premises. The following groups participated:

- 1 Jyotisingh - Katal Patwa, Tejal, Hasina
- 2 Akhand Jyot Foundation
- 3 Ahmedabad Women's Action group [AWAG] - Ila Pathak
- 4 Ahmedabad Social Action Group [ASAG] - Ramesh Bhatt
- 5 Rani Advani - Human Rights Lawyer also working with ASAG.

WR TEAM

Suzanna Banwell
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The meeting began with discussion between all groups on the form and content of the proposed report. Rani Advani asked the connection between the proposed report and the existing work in this area including the country report for Beijing and the India CEDAW report. The team discussed the importance of making this new document build on what has already been done emphasizing on the pro-active nature of the report. The very process of documentation will lead to further action being taken to combat violence against women.

The NGO representatives expressed strong support for this action oriented approach. They were not interested in a "glossy report" which would be kept on the shelf. However, the need for a very professionally produced report was stressed. There was consensus that a three ringed loose-leaf format which could be continually updated as new material became available would be preferable to a bound volume which was likely to be out-dated quickly. The group was also enthusiastic about glossy-highly professional pamphlets which could be used for advocacy and lobbying with the government, media, and other influential sectors of society.

Though the need for support services was vocalized it was also felt that looking at the current scenario in the state is needed: in Gujarat, there are 72 counselling centres, 11 shelter homes, and one women's centre [Nari Kendra] run by the government for each of the 19 districts of the state. An evaluation of the existing services, particularly shelters, is an essential first step before further interventions are designed and implemented. The evaluation should consider alternatives to formal shelters to address women's needs for sanctuary.

Although there is interest in a national report the group felt that bringing out a nation-wide study would be unmanageable and too-large a task. They suggested instead focussing first on Gujarat, Maharashtra, Rajasthan and Delhi to be followed by similar clusters covering regions in rest of the nation.

In terms of data the participants expressed interest in access to enhanced statistical information. However, they stressed the need for systematic compilation and analysis of existing data and intervention efforts. They were eager to know about efforts NGOs are trying in other parts of the country with regard to both successes and failures. In fact, there was strong support for the idea that this report be produced by a National Clearing House on women. The reason for establishing the clearing house for women was to allow for an expansion beyond domestic violence in the future. Rani Advani suggested the Commerce Clearing House might be a model for such a clearing house.

The group made the following points:

- There is a need for providing support services in rural areas.
- Legal literacy programmes could be extended to the taluka and village level.
- Caste/community based justice could work only after a sensitization of the panchayat members, to gender issues. In the current scenario the jati/nyaya panchayat judgements are biased against women.
- A multi-pronged approach in rural areas which would include access to the formal legal system as well as organising women at the local level.
- Access to NGOs should be facilitated by a cadre of people at the local level (bare-foot lawyers).
- Need for training for women police officers in particular. It was pointed out that women police officers are often the most abusive and insensitive to women victims.
- The group expressed concern over the functioning of the speedy-courts, i.e., lok adalats. They said that a large majority of cases under trial in these courts included both traffic violations and women's civil complaints, conveying the impression that women's issues were no more significant than traffic violations. Furthermore, these courts put tremendous pressure on women to reconcile and agree to go back to their husband's families.

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IRMA
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IRMA is a two hour drive from Ahmedabad. Although there was general interest in the topic and the proposed report itself Ila and Sara agreed that they could not be directly involved in this sensitive issue. They noted that the women's movement in Gujarat was not very strong and newer organizations with a strong feminist perspective had alienated the older/more traditional welfare oriented organizations. However, they were interested in collaborating with the project and thought they might be able to help train representatives from NGOs in a feminist research methodology. They have extensive modern facilities and training infrastructure, but the training would need to relate to rural women.

INDIA INSTITUTE OF MANAGEMENT

Vastrapur, Ahmedabad

21 August 1996

INSTITUTE

Professor Anil K. Bhatt

USAID & WR TEAM

Romita Ghosh

Cate Johnson

Kanchan Mathur

Suzanna Banwell

The India Institute of Management is one of the foremost management schools in the country. Located in Ahmedabad, the campus is quite spacious and offers an oasis of quiet in the midst of heavy traffic and bustling city life. Dr. Bhatt, professor teaching poverty and development, was instrumental in setting up appointments in Ahmedabad for the Team. This was a courtesy call to thank him for his assistance. In addition, the Team wanted to learn if there were any other organizations working on violence or compiling statistics. A brief discussion about the nature of the problem in India concluded the meeting.

Organizations Working on Violence

Dr. Bhatt stated that many groups are ensuring that violence is being addressed through both research and activism. Many groups are working on the issue, such as a group in the Kutch District where women are so restricted that they are not allowed out of their homes, even to fetch water.

Organizations and activities described by Dr. Bhatt:

1. GIDR is integrating women into existing projects. Although they are not working on violence per se, this integration is moving women's issues forward.

2. SETU (Centre for Knowledge and Action), with which the Centre for Social Justice is connected, has compiled and published a study on unnatural deaths of women in Gujarat. Data are from secondary sources. In addition, they have published a monograph from a lecture series entitled "Adolescent Girls: What They Should Know." This latter document does not specifically address violence but provides family life education geared toward youth.

Dr. Bhatt was most favorable in his remarks about the violence report. He only had the Gujarati copy, but wished that it would be translated into other Indian languages. (We later learned that it has been translated into English.) His only criticism is that SETU, an activist organization, needed to complete a more in-depth analysis of the work. This also applied to other non-research organizations who may lack the capacity to carefully analyze data on this issue; hence the need for paired research and activist organizations.

Contact Names:

Centre for Social Justice: Jan Vikas
SETU: Achyut Yajnik, 656-751

3. DISHA: Working with tribal women.
4. NAVSARJAN: Working with Dalit women. Contact: Martin McQuinn
5. WACHA (Bombay): Women's library and documentation centre (source of information on the issue in India).
6. State Institute of Public Administration: Running a training program on women's issues.

Contact:

Amra Pahli Merchant
Department of Sociology
Sardar Patel University
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7. Astitwa Bappilabehn Ghaswala, in Belsar (near Bombay), is working on violence.

Nature of the Problem in India

Dr. Bhatt noted that after Kerala, Gujarat has the highest suicide rate of women in India, despite a less strict caste system. In Haryana (a 'dry' state), there are no reported cases of violence, indicating that families try and cover up the issue. In fact, Dr. Bhatt stated that there is so much domestic violence that organizations are overwhelmed.

Suzanna Banwell noted that Gujarat has NGOs that have extensive networks, and that basic statistics (even though they may not be accurate) are well known in this state. Such data can be used to spur activism in the issue.

Dr. Bhatt commented that many organizations may be working on violence indirectly, such as through women's issues. In addition, he reiterated the need for activists to partner themselves with research institutions in order to (1) acquaint themselves with sound methodologies; (2) gain a deeper analysis of existing data, translating reports into other languages when necessary; and (3) effectively disseminate the findings.

Key Document

Dr. Bhatt gave the team a copy of the SETU secondary analysis report in Gujarati. Romita will investigate having the tables translated into English.

SETU

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SETU

Achyut Vajnik
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Background and Summary

SETU (Centre for Knowledge and Action) has been working in women's issues since 1985, and undertook an analysis of secondary data from Gujarat in 1988 on unnatural deaths of women. They work with rural Dalit and scheduled tribal women throughout Gujarat (which form 15% of the population of this state). Mr. Vajnik informed us of several other organizations working on violence and discussed several key aspects of the issue.

Organizational Philosophy and Work with Women

SETU (which means 'bridge' in the local language) is located in a middle-class residential neighborhood in Ahmedabad. Founded in 1982, SETU approaches development from an empowerment perspective and address management and organizational strengthening. Believing that 'backward' communities should unite, organize, form their own coalitions, and run these organizations, SETU begins working with such groups then exits after they become self-sufficient. In 1985, they began working with women's issues, and formed relationships with women leaders in 40 villages in northwest Gujarat. They have also worked with Dalit women in the Gar protected area (a group which is descended from African slaves and where the illiteracy rate is 99%), and have tried to begin a tribal women's organization in southern Gujarat.

Violence Study

In 1988, realizing that an average of 7 to 8 women each day died of unnatural causes in Gujarat, SETU undertook an analysis of secondary data from news reports to determine the circumstances of these deaths. The study was challenging as no comment is allowed after a case is filed in court. Mr. Vajnik realized that these deaths represented only a few of the cases of domestic violence, as many are not registered and therefore not counted. Despite these constraints, SETU (Ms. Bhagat, the principle researcher) collected these data for one year, analyzed them, and wrote a report which has been translated into English and later summarized and published in a Canadian journal.

Other Data Sources on Violence Against Women in India

Mr. Vajnik described other data sources that have addressed violence against women in India:

1. Sunita, from Columbia University (now on sabbatical at Stanford University), examined data from India for the period 1974-1994 that dealt with religious violence. Government reports from 180 districts throughout the country were examined. Although her work did not focus solely on violence against women, it will undoubtedly contribute to an understanding of the issue.
2. Women's Commissioners, who have been appointed in some states, may prove to be a source of information.
3. Women and Child Development Departments in all States may also provide documentation.

SETU'S Work in Violence²

SETU provides a legal support system for women who have experienced violence, offering legal advice and counsel. One aspect in which SETU has been working is violence against widows. In the 1980 Census, widows comprised 7% of the population in Gujarat and 9.9% in Tamil Nadu. Remarriage may not be possible due to cultural constraints; for younger women, this is further compromised by children. In 1988, SETU helped organize the first national conference on this issue. A subsequent study of widows in 8 states was undertaken by Marty Chen (HIID). A second national conference on the issue was recently held; proceedings will be forthcoming from either Oxford or Harvard University Press (Miri Sampson, Editor). These data have helped SETU successfully advocate for more social security for widows: the amount they receive has been increased from Rs 100 to Rs 200 per month.

Lack of Research Capacity

There are not many women's studies institutions in Gujarat. Institutions which are conducting research on women's issues are doing this without funding. The grassroots organizations are poorly linked into the main research networks. Women's groups are quite strong and have data but lack the capacity to analyze it properly. Organizations which are active in this issue include:

1. Astitva (Southern Gujarat): Working with Dalit women.
2. Anan: Fought a recent court case of violence (contact: Asha Dalal).
3. SEWA: Examining gender-based harrassment. Although the organization addresses violence through a health focus, they put women in touch with legal counsel in cases of domestic violence.

² SETU would also like to work in employment generation, but this is currently not possible due to lack of resources.

4. Centre for Social Studies: Planned to conduct a study on the status of women in Gujarat; this later was narrowed to have a focus on violence from a social justice perspective. The Team can further discuss this possibility with the Director after August 30, when he will return to Ahmedabad.

Conclusion of Meeting

The team concluded the interview and made arrangements to possibly return and further discuss other research efforts in the area. Cate will graph the main tables from the violence report and send these to SETU for use in their presentations.

Key Documents

Bhagat, Varsha (SETU). "Unnatural Deaths of Women in Gujarat." Resources for Feminist Research/Documentation sur la Recherche Feministe 23:3, 43-46. 1994.

SETU. Unnatural Deaths of Women in Gujarat. Report.

SETU. Social Security for Widows in Rural Gujarat. Report.

SETU. Empty Promises: Social Security Systems for Widows in Gujarat. Report.

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Sheeba began the meeting by explaining that although Sanchetna has a strong pro-women focus they had made a concerted effort to include both men and women. She said that their focus was on 'what works'. They have been working on issues of violence against women for many years. Sanchetna has gained an entry to women in the most 'backward' thinking areas by offering health services. As a result, they discovered that 30% of the women they served suffered anxiety attacks related to domestic violence. Furthermore, widespread anemia resulted in women's low energy levels and inability to do housework. The men often beat up the women for their 'sluggish' behavior. The first step in addressing domestic violence is to encourage and allow women to talk about their own experiences. Such dialogue has resulted in concerted neighborhood reaction to stop the violence. [The women now go in groups of 5-10 to male elders and insist that the violence stop.] Often this works, only when it doesn't are they willing to go to the police. According to Sheeba 70% of all violence takes place at home. And hence it was important to empower women to handle this.

INSTITUTE FOR DEVELOPMENT STUDIES

IDS

Dr. Pritam Pal
Shobhita Rajan

WR TEAM

Cate Johnson
Suzanna Banwell

Background and Summary

Dr. Pal has worked with the Women's Development Project (WDP) in Jaipur from 1984-93. She related her experiences with domestic violence within the context of WDP.

Women's Development Project

Prior to the WDP, women were accepting violence as part of their culture. As part of the WDP, women met in small groups to discuss different factors in their lives. One aspect that continued to be broached in all groups was that of domestic violence: more than 90% of the women in these groups had experienced some sort of violence in their homes, and came to see that this was not a 'normal' state to be accepted and silenced, but a harmful influence that called for intervention. Such revelations were not immediate; at first, the groups were comprised of only a few women from the focus area. Yet after two years groups were well-established and working on change within their own communities. "We are sharing our happiness and our grief," they said. After two years, the Change Agents had a full compliment of women and had established their trust.

The State Governments, NGOs, and IDS collaborated together on the WDP. Initially, great suspicion surrounded this effort-- communities wondered if women would be sold into prostitution or slavery. Men tried to disrupt their efforts, saying, "Whenever 4 women get together, broken homes will result." However, more and more women continued to attend sessions and eventually explore many types of violence (perceptions of the body, abusive language, restrictions). After 4 to 5 years, community perceptions of the WDP and women's groups began to change. Men began attending these meetings asking for help with problems of their sisters and families.

Property rights became a central theme in their collective work: although formal law allows women to inherit land, customary law disallows such inheritance rights. The villages in this area strongly subscribed to the customary law and hence women had no inheritance rights.

IDS's role was chiefly one of monitoring and constant reflection. They were advocates for the women at the state government level. Taking part in training, they wrote two research reports documenting these efforts:

- Exploring Possibilities: Some Insights into Partial Evaluation of the WDP
- Emerging Challenges of the WDP

Dr. Pal was asked if the WDP had affected change in the extent of domestic violence. Dr. Pal answered that the nature, but not the extent, of violence had changed. She said that simply raising our voices against domestic violence will not change its scope. Male attitudes, women's self-image, childhood discrimination against girls, a gender-insensitive legal system all must be addressed before significant changes can be made in violence. "Even family planning can be viewed as violence," she told us.

Nature of Violence Against Women in India

Dr. Pal noted that self-inflicted violence is quite prevalent throughout India. Women never feel they are equal to men: they eat last and are self-demeaning. Their training as girls and women instill this deep sense of inferiority at a very early age. If a woman begins to take a stand against violence, she may be totally ostracized. Incidents of such repercussions convince women that they should not voice their opposition to men. In conclusion, Dr. Pal noted the widespread failure to appreciate the insidious signs of a culture pervaded by violence.

SEWA

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SEWA

Mirai Chatterjee

WR TEAM

Cate Johnson
Kanchan Mathur
Suzanna Banwell

Mirai explained that though SEWA is primarily a bank and has no specific program on violence, the women with whom they work are confronted by violence every day and often raise violence as an issue of concern. She believes that it is women's lack of options, particularly economic options, that keeps women in and at risk for violent relationships. Women often state that if they had safe place to go that was there own they would leave violent relationships. Beyond property issues, however, she also said that children keep women in violent relationships, because no matter how poor they are they will fight to keep custody of their children. Although economic employment and empowerment are the main goals of SEWA, they also offer assistance regarding food security, health care, childcare, and shelter. Mirai said that injuries caused by domestic violence and needing medical attention are commonly presented to their health care providers.

Mirai said that although their economic empowerment program did appear to give at least some women sufficient support to make the decision to leave an abusive relationship, she also was aware that in some cases the women's new empowerment was itself an excuse for violence against her by her husband. She said that many women choose to keep their bank books at SEWA so that their husbands cannot find out how much money the women have access to, nor can the men access that money. She also noted, however, that there seemed to be a bell shaped pattern of response to the women's economic empowerment, with a rise in violence in the beginning stages and a leveling off and decrease after the family adjusted to the new norm.

She said that there were many cases of violence among their constituency and SEWA employees will intervene when the women request help. Typical SEWA intervention begins with a request from the woman, followed by a visit by the SEWA employee to the woman's home. There SEWA tries to talk both with the woman and with the man to see if peace can be negotiated. They told of cases in which the men had complained that their wives were parading their new status before the husbands even as the husbands were suffering from their own economic disempowerment due to underemployment. Then SEWA tries to work with both the husband and the wife, urging him to redirect his anger and her to

be less vocal about her success. She also said that often women are not in a position to leave and in fact have little alternative but to stay in the violent relationship. Nonetheless, having support at SEWA, even if that support was nothing more than listening and showing concern, meant a lot to the women. The refrain often heard is "SEWA is like our mother's home."

In serious cases (e.g. where a husband had been burning his wife with cigarettes and cutting her with a knife), SEWA will turn to the police and formal legal system for intervention. Although SEWA does have a legal cell that handles some violence cases, they refer most of these cases to Gutam Selaki, a family counseling center that includes a team of very sensitive lawyers expert in handling domestic violence cases.

SEWA's programs include the "SEWA Academy" that collects and analyzes a lot of data for policy action that will feed into further organizing and empowerment of women at the grass roots. They were very interested in the proposed report, but stressed that the research and analysis should be done in a proactive manner that led to concrete action.

SANDHAN
23 August 96
Jaipur

Dr. Sharada Jain

WR TEAM
Cate Johnson
Kanchan Mathur
Suzanna Banwell

Background and Summary

Dr. Jain has been working in the area of violence against women in India for many years. Well-connected with IDS, she has worked closely with Kanchan as a teacher and mentor. Dr. Jain is currently undertaking a study of rural women in 4 Indian States. We met her to learn more about her research, her approach to violence, and to describe the Status Report.

Introduction

Dr. Jain wanted to learn more about the Status Report, and asked us to describe the root and framework of analysis. She emphasized the importance of linking analysis and activism, particularly with regard to NGOs. "Not all experience is knowledge which will give informed action," she explained.

Study of Rural Women

Dr. Jain's current research focuses on four States. "Indian suffering can become social energy for change--once shared, it can change the fabric of gender subordination," she told us. Having worked in women's education for many years, she is now interested in what is happening to women's groups. At present, she has been collaborating on indicators of women's groups.

Dr. Jain shared two case studies with us to illustrate her point of view regarding the sociology of violence within a rural cultural context. Both reports are from women's groups who are beginning to document acts of violence, actions taken by women's groups, and the end result of this process.

Case Study 1: A lower-caste man used foul language (women's definition of violence). Offended women went to the rural women's collective, who called a meeting of the entire village. The case was also registered with the police, but the man bribed the police (Rs300) to ignore the case. Thus, the case was formally dropped, but the women's organization fined the man Rs600, and levied a penalty on him that would allow each woman of the organization to beat him twice with her sandles. The women decided not to beat him but retained the fine which he paid. Thus, a strong women's organization, respected as an authority in the village, is seen as a power for women in the community.

Dr. Jain used this example to demonstrate how violence could be effectively combatted through non-violent means, which highlights the ethics and nature of Indian culture. It also demonstrates the many definitions of violence: in this scenario, violence is defined as foul language by a lower caste member. Often, village women define physical abuse as 'beating' only if blood is shed.

Case Study 2: Women who do not conform to normal standards of conduct within village society (such as women who are barren), are thrown out of the family and branded as 'witches'. Rather than continue to stigmatize these women, one women's group identified them as partners and change agents. Thus, the violence of defying the woman's identity was turned around: the verdict and classification were rejected, and the community was given the example of acceptance of those who are different because the governing body (representing the government) had accepted her.

Dr. Jain noted that the word for 'husband' ('pati', or 'swami') means 'one who controls.'

The discussion began to examine the differences between crime and violence? Redress is legal, and has its roots in legalities. Redress is also social, but must use a different recourse. Violence defined as violating sanctity must have its redress in society. For example, one problem lies in police who do not view rape as a crime, believing that only theft and murder are crimes. A question that we must address: if an act is done in the dark, without witnesses, is it a crime?

Dr. Jain firmly believes that legal literacy is the simple way out, and referred to two major works on the topic of crime in society: Jung's The Modern Man in Search of a Soul, and The Anatomy of Human Destructiveness.

Regarding data for the Status Report, Dr. Jain urged us to consider not merely the quantity of data, but the intimacy of information. She advised us to adhere to the 'principles of optimal ignorance': only know as much as is necessary. "What is it that I must know--by knowing which, I may know everything?" was her quoted advice.

**Indian Institute of Health Management Research (IIHMR)
Jaipur**

IIHMR
Dr. Rao
Dr. Gupta

WR TEAM
Cate Johnson
Kanchan Mathur
Suzanna Banwell

Work at the HRI does not focus on gender, nor do any of the researchers conduct gender analysis. Dr. Rao did have some ideas about sources of information from the health sector, including hospitals, private doctors offices and possibly the public health sector as well as providers in the informal sector such as traditional healers. He suggested both primary data collection through a series of structured interviews as well as secondary data collection from existing records, including doing an analysis of actual hospital records. He also stated that he did not believe that there was a problem with violence against women in states such as Gujarat, Rajasthan and Maharashtra, as women's status was much higher in these states, but that the problem lay in areas such as Bihar.

Meeting with women's NGOs in Rajasthan

Nahi Atyachar Virodhi Marah: Renuka Panecha, Kavita Srivastava
Tiss. Bombay: Urvashi Peresad

Rajasthan University Women's Association (RUWA)

Nandini Upreti (President)

Dr. Lad Kumari Jain

Dr. Indu Mathur

Lok Jumbish Pasushad, Jaipur: Vijaylakshmi Joshi

Dept. of English Raj Univ.: Dr. Jasbier Jain, Joya Chakeravorty

WR TEAM

Cate Johnson

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Suzanna Banwell

This meeting began with introductions from the participants who explained a bit about their work on gender and particularly violence. An introduction from the team explaining our assignment and outlining the proposed report followed. The description of the report elicited a strong statement from Kavita that such a report was not necessary. She was uncomfortable about the role of "outsiders" in issues concerning Indian women. She was uncomfortable with the idea of speaking on the issue of domestic violence, and believed instead that the emphasis needed to be on the public sphere and include, for example, an analysis of the impact of structural readjustment.

Other participants, however, were interested in the report and thought the emphasis on domestic violence would be useful. However, some participants believed that domestic violence was only a problem for poor or working class women and not a major concern for urban, middle-class women. Others urged that the report go beyond reporting and include strongly worded recommendations for action and policy change, including improving family counseling centers, an analysis of the judiciary, and a critique of the criminal code which divests women of control over their cases as soon as they go to the police. These suggestions brought the conversation back to the sphere of the family, it was stated that how people behave outside the home was simply a reflection of values that both girls and boys learn in the home. As one woman said "not a single community [in India] celebrates the birth of a girl child." In this context the question of education was raised and the need for critical analysis of textbooks, literature and class content was discussed.

Need for change in the social structure was also discussed, and it was pointed out that what people in positions of power say versus what they actually do is often contradictory. For example, a politician might decry a dowry burning while at the same time arrange the marriage of his own daughter and give

dowry. The participants thought that the report should include cross references and comparisons to other countries, including statistical information and examples of successful interventions. They said that in India the community played a larger supportive role, but increased modernization had led to the breakdown of many of the traditional forums.

Recommendations:

- The report should include cross references and comparisons to other countries.
- It should include statistical information and examples of successful interventions.

CENTRE FOR SOCIAL RESEARCH

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Dr. Ranjana Kumari

Team Members:

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Kanchan Mathur
Cate Johnson

USAID/India

Heather Goldman
Romita Ghosh

Background and Summary

Dr. Kumari, founder of CSR, has been a leader in the issue of violence against women (most notably dowry death) for nearly 14 years. Dr. Kumari has published several books on the topic and convened national workshops. CSR has also played a leadership role in the development of women's issues throughout the country. In February, CSR was the major collaborating institution with ICRW when PROWID conducted its initial assessment.

Background of CSR

CSR has three foci:

- Research on rural women, female headed households, and women's employment;
- Development: Interventions with teams based in villages in 7 Districts (119 workers on these teams);
- Training: Gender training for the Government. CSR will soon begin an NGO Gender Training Institute.

In the area of violence, CSR has worked with a number of counseling centers, particularly with regard to dowry deaths. All coordination is from Delhi. CSR also works on political empowerment.

CSR has extensive networks throughout the social science and NGO community. Working with 7 other institutions (termed the '7 Sisters'), this network represents a diverse political array of philosophies, from left to center to right wing.

CSR Data Sources

At present, CSR's area teams have been collecting data on violence against women on a case-study basis. They are willing to collaborate on the Status Report using these data.

In writing their report on violence, CSR's report was completed using data that her teams had collected, and was strengthened by case studies (to be highlighted in a box format in the report). She recommends that a similar format be followed in the Status Report.

Problem of Violence in India

From CSR's years of observation, 70% of the cases of domestic violence fail to reach the final state of court judgement. Either women do not report the incident, or the police fail to report, or the plaintiff becomes so exhausted with constant legal battles and the lengthy court process that she eventually drops the case. In addition, she believes that police records report only about one twentieth of actual cases, and that there are incentives for police stations to underreport cases.

Because of this problem of underreporting, other data sources (such as hospitals and NGOs working in the area) must be included in any data search. There is a critical need for primary data collection to determine the nature and scope of the problem.

Because the laws regarding domestic violence are problematic (civil vs. criminal code), many women report cases of battering as dowry-related incidents simply because the clause in the Indian Penal Code (498A) is well-written and determines punishment for dowry-related crimes. Other laws regarding violence are not as well documented. Therefore, there may be an over-reporting of dowry-related crimes, which results in skepticism on behalf of law enforcement and judicial officials.

In a CSR study of gender, work, and poverty relations, men in Hyriana were asked if women must be beaten to control them. 80% responded in the affirmative. Through indirect questioning ("Have you known anyone in your family to beat their wife?"), the research team inferred that 80% of men had beaten their wives more than once in order to 'control' her.

Solutions to Domestic Violence

Dr. Kumari cited three approaches to assist women who encounter domestic violence:

- Independence: women can be assisted to set up an independent household. However, this is virtually impossible in rural areas and for the lowest castes; there is no other place for her to go. Resources that are needed for a Women's Centre are approximately Rs2000/month.
- Family Counseling leading to reconciliation
- Family counseling, which, if it does not lead to reconciliation, results in divorce.

There are definitely roles for other donors to play with regard to interventions. In addition, Dr. Kumari recommended that a module in the Status Report be devoted to exploring what works, and what will work in the given system.

Status of Women in India

The problem of violence is only one of many that is apparent with women's status in India. Another critical need to address is that the number of opportunities for women remains stilted. Women, even those who are educated, have less opportunities for employment and advancement than before. Education, job training, and employment--as well as job creation--are issues that must be addressed.

Dr. Kumari sees that young women are not as apt to join in causes of women's equality. The problem of the younger generation not taking up these issues of concern for future generations. The group mused that at best, perhaps women's issues will not be advanced in future years; at worse, gains that have been made can be eroded.

Models for Secondary Data Collection

Dr. Kumari presented three models for secondary data collection with Indian collaborators. An academic model would involve national universities paring themselves with social council research institutions in collaboration with NGOs. A women's studies center model with involve these centers collaborating with NGOs. Finally, an NGO model would select four to five national NGOs (one per region) to be linked by the Women's Commission. All models will need to coordinate with a national committee. Solicitation of proposals would be advantageous to ensure equality of selection.

Finally, Dr. Kumari recommended that the national coordinator be institutionally based rather than simply an individual.

Key Documents

"Is Law Enough? Violence Against Women and Remedial Actions"
Report of the Seminar, 1995.

CSR Newsletters and Information

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Ann Good

USAID Team
Romita Ghosh
Cate Johnson

Background and Summary

Ms. Good has recently arrived in India to be the First Secretary (Development) for the Canadian High Commission. She will also be the Coordinator for the Regional Gender Fund. Her work will build on a network of gender activities funded by CIDA. We met with Ms. Good in order to (1) inform her of our plans to produce a Status Report on Domestic Violence and (2) discuss potential references, data sources, and contacts to assist in this effort.

CIDA's Work in Violence

CIDA has been funding Sakshi to examine the legal structure within India in relation to women's legal rights. Sakshi has now completed a survey of judges; the report will be available in September. Ms. Good noted that the British High Commission had also funded training of judges.

In addition, CIDA has funded a number of regional workshops that have worked in a variety of different issues. Results of these efforts have been mixed.

Key Documents

CIDA has two documents of indicators in Women's Empowerment. The Mission obtained copies of both of these documents.

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UNIFEM Study on Women's Legal Rights in South Asia

UNIFEM has recently commissioned a study of the legal rights of women in the 7 SAR countries. This study (\$100,000 total budget) will link with CEDAW and examine the general nature of the laws, analyze the gender sensitivity of these laws, and determine women's access to legal structures. The goal is to demystify the law and achieve an information-sharing among women's groups in these 7 countries. Women's groups at the grass-roots level will be consulted in compiling these data.

Ms. Joshi stated that access, information, and empowerment were the key to legal literacy. She gave the example in Nepal where women are often denied bereavement leave (while men are allowed this privilege). She herself successfully fought such a case on behalf of a woman on her staff.

Violence in India

The USAID team briefed Ms. Joshi about the Status Report and recommendations of the Women's Rights Team. The group then discussed violence against women in India, and referred to several recent reports of rape, decrying gang rape as a form of punishment in many rural areas. This underscores how women's lives are often governed by local customs rather than the formal law, and the need to address such an informal judiciary system.

The meeting closed with Ms. Joshi's recommendations for institutions who may be possible candidates for the National Selection Committee.

Majlis

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Bombay

Flavia Agnes

USAID & WR TEAM
Romita Ghosh
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Maja Daruwala

Majlis runs a busy legal aid centre for women and essentially deals with matrimonial cases. Its director Flavia Agnes has written extensively about judicial responses to issues relating to women and also on women, law and violence. Majlis views itself as a feminist legal resource centre which is both activist and research oriented and produces resource materials and films based on its experiences. Presently they are in the process of developing a data base of case law and analyzing cases in order to assess the success of 5 years intervention strategies.. Majlis has trained several community based paralegals to work with the special cells on violence against women which are extant in Maharashtra

Ms. Agnes felt that very few lay people and only a few lawyers really knew the law or used all that is presently available. Further difficulties arise for the woman litigant because of the bias, corruption and weak political will to enforce laws in general. Even when the law provides remedies the system often goes no further in the direction of justice. For example. Sec. 498A provides a special remedy for women suffering cruelty with the family. Traditional biases and corruption ensure that the police will file a case only when there is a rich husband as defendant. On the other hand almost all plaintiff lawyers seeking various remedies for women at court allege the presence of torture by rote. The provision of family courts and special courts to deal with women's cases had a tendency to ghettoize women's issues without addressing the anti-woman bias which runs throughout the system. Perhaps what was needed rather than piecemeal legislation is a complete scrutiny of the substantive and procedural law and the development of a code for women, though Majlis does not agree with the need for a Uniform Civil Code.

Recommendations and suggestions:

In discussing the PROWID initiative on a report on violence against women Ms. Agnes felt that there was a felt need to have diverse, statistically valid, objective data available to back up feminist advocacy and help bring about legislative and judicial change. She inquired about the genesis of the initiative and

suggested the need to focus on several countries, rather than focus solely on India.

Note on Data: Majlis has computerized over 1000 individual cases in WordStar. They have begun to cross-reference their data using the control key options in this text editor program, and are very receptive to technical assistance which would assist their efforts in analyzing their data.

SNDT UNIVERSITY
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Bombay

Contacts: Mira Kosambi, Head, Department of Women's Studies
Sujata Patel, Head, Dept of Sociology

USAID & WR TEAM
Romita Ghosh
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Maja Daruwala

SNDT is an all women's university located in two places at Bombay. The women's studies centre is headed by Mira Kosambi at Juhu and the sociology department which is located Churchgate works primarily on issues related to women. There is another branch at Pune, Maharashtra. SNDT has a large documentation centre on women in the public and private spheres and has been a resource centre for women's studies since 1975. The standard textbooks on women and society has been written by Neera Desai and Maitri Krishnaraj former vice chancellors of SNDT. SNDT's research on women is closely linked to working with activists in the field. Though there has been a great deal of work done on looking at women's subordinated status and state responsibility for rights violations and violence against women there has been little serious sociological research and data collection looking directly at the issue of domestic violence. This could be because the sphere is commonly perceived as being within the private domain and because the family is difficult to penetrate. Also until very recently violence against women has also been defined in terms of socialism rather than feminism. The consciousness of violence against women has arisen because of activist interventions rather than fundamental research seeding the area. However, the impact of domestic behavior is clearly important in assessing women's participation and participation in development.

Ms. Patel felt that the best way of catalyzing the systematic study of the phenomenon of domestic violence against women would be to research and analyze it collaboratively with diverse disciplines, incorporate different perspectives, and examine the issue at different levels.

Recommendations and suggestions:

In commenting on possible designs for the initiative on violence against women, Ms. Patel felt that:

- A broad framework to develop creative possibilities for collaboration, and allowing for Indian autonomy, accommodating many smaller activist NGOs and permitting satellite activities to augment the main effort;

- There is experience in doing such large collaborations as with the girl child;
- It is important to involve institutions with some threshold infrastructure and with the widest networks who could draw their research from connected activist groups. SNTD is such an Institution;
- The challenge before the project would be to classify, define and conceptualize Domestic violence;
- There is a need for an investigative and anthropological approach which firmly bases research on myriad experiences within diverse cultural contexts and finally,
- Any objective statistical and narrative document on the nature and prevalence of violence would provide energy and focus for further work in the field.

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TISS is an established and well reputed social science research centre. It has a history of action-based research particularly in areas of social justice and has worked on several aspects of women. Because of their location as Bombay's premier social science research institute they are called on to assist in newly developing initiatives in the area. As a result they have worked on educating counselors for the newly set up special cells for violence against women and children in all 30 districts in Maharashtra. They also monitor and document this work. They have done studies on the cruelty legislation and some statistical analysis. They also have a bibliography on issues relating to the family and have participated in large part to Maharashtra's report on the Status of Women. In discussing issues of violence against women they mentioned that common attitudes to women in relation to violence are that: women are their own worst enemy; that they misuse laws provided for their safety; and that it is mostly the lower income deciles which are violent towards their women. Their own data collecting experiences shows that there is little desegregated data about violence against women. Police records have do not cover issues such as female foeticide. Police practices about registering cases mean that only very serious cases or fatalities get into the records while most complaints of repeated threats, harassment and physical abuse are often not recorded. Mental violence leading to serious disability and rights violation have no place in public records. TISS faculty has a large network of NGO, police and bureaucrats with whom they interact. They have access to data including some 1000 cases handled over a five year period in the special cell. However, data entry and analysis have yet to be seriously undertaken.

Recommendations and suggestions:

The researchers at the Institute were excited by the opportunity of cooperating in developing an objective well researched data base on domestic violence against women. They suggested that other social science institutions around the country, such as CDS in Kerala and MIDS in Tamil Nadu could usefully collaborate to take in the diversity of the country. They felt that:

- Police statistics augmented by those of the new family courts and crimes against women cells needed to be properly entered, compared and analyzed and would yield policy oriented information;
- Primary data should augment the above information as it was often not compiled in a way that makes comparison or analysis easy;
- Women who were already in touch with NGOs or organizing around issues of health or micro credit could be a rich source of primary data since they had got away from the culture of silence;
- Upper and middle class women would be equally accessible through their interaction with private counselors and psychiatrists;
- A minimum time line of 18 months is necessary to make a beginning in the area.

Note on Data: At the request of the Bombay Police, the Institute has entered police cases on violence against women into their computer system and is attempting to analyze it using SPSS. They would welcome technical assistance in guiding this collaboration with the police.

Gerson Da Cunha
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Gerson Da Cunha

WR TEAM
Lisa Veneklasan
Maja Daruwala

Mr. Da Cunha is a communications expert. He has designed and initiated campaigns on family planning in Brazil and AIDS in Uganda. He has also assisted in the design and development of a new initiative to encourage programming around social justice issues on national television in India. Presently he consults with a large education and health program in Uttar Pradesh. Mr. Da Cunha felt that there were several options to data collection and documenting domestic violence against women in India if the primary objective was to effect change in public behavior and concomitantly in policy. He felt the route which privileges data and documentation is conventional and may inform policy makers and interest groups but that it would not, in and of itself, stir them to action. He felt that perhaps the rapidity of change in modern times required a social marketing and communications centered approach.

Recommendations and suggestions:

Mr. Da Cunha provided a model as an alternate approach to making a beginning in addressing the problem of domestic violence against women. He recommended focusing solely on the city of Bombay. It has a population of over 11 million and is media saturated. Bombay is also home to the second largest film industry in the world. This has an inordinate influence on public imaging of women and provides role models for men across India. Other language cinema is extremely imitative of Bombay films. Perceived as the most dynamic and liberal of Indian megalopolises it is a proven trendsetter. He suggested that a behavioral change model of advocacy be adopted. This would entail the generation and highlighting of hard hitting objective data on domestic violence to underscore studies which would assess common and entrenched attitudes to women both within the public and within the executive and bureaucracy. The central piece of the strategy for behavioral change would be to use all kinds of communications to propagate appropriate messages which would make violence a point of discussion, challenge its toleration and acceptance within the home and invoke behavioral change within the family and in the public. Augmenting this central strategy of communications based advocacy and public education would be other interventions such as mobilization, legal literacy, monitoring and sensitization of police and judiciary, law reform and the provision of safe alternatives such as shelters for battered women. A saturation effort over 3- 5 years Mr. Da Cunha felt would provide certain change and unleash

several beneficial processes which would create measurable differences to the status of women in the city and lead to replication elsewhere.

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Medha Kotwal
Neelam Gore, Stree Aadhar Kendra, Pune
Sunita Dhar, GTZ, New Delhi

WR TEAM
Lace Veneklasen
Maja Daruwala

Attended by social science and legal writers as well as activist women, the workshop sought to provide baseline information about the situation of women and also on particular problems women face in the control of resources, ownership of property, access to justice and substantive equality under the law. Both the law and political participation were put forward as tools to further the fight for women's equality. Both, it was felt, were under-explored as tools of advocacy. While lack of control over resources and access to the benefits of development deprived women of improving their material condition, lack of access to formal beneficial processes of law and lack of knowledge about law ensured their inability to advocate effectively for equality.

In discussions around the issue of violence against women it was stressed that many strands of subordination come together when the experience of violence is analyzed. The vastness of the task is daunting and the linkages and dimensions go from international trafficking to the recent rapes by power elite at Jalgaon. Domestic violence and stataal complicity with this are both to be considered and addressed.

Recommendations and suggestions

Effective advocacy requires a large and clearly political response. There are those who say small is beautiful but there is really a need to collaborate at all levels from local to international on the many interweaving issues that come together to subordinate women.

Women also need knowledge about power and to learn to recognize its diverse forms. Pluralism of approach within movements also needs to be respected. And women need to be sensitive and adaptable to meet changing situations with quick relevant responses.

**Stree Aadhar Kendra
Pune**

Contact: Neelam Gohre, Director
Neelam Gohre

WR TEAM
Maja Daruwala

This meeting was particularly informative about sources of data and possibilities of collecting primary data. Stree Aadhar Kendra (SAK Women's Rights Centre) provides counseling and legal assistance to women both in Pune and at the district levels. SAK also mobilizes women around issues and provides social education and shelter on occasion. They have publications and strong links at the grassroots. Presently SAK is strategizing to develop a large scale legal literacy program in several districts of Maharashtra.

Ms. Gohre indicated that there were more statistics on violence against women available in Maharashtra than elsewhere. This perhaps accounted for its premier position in the area of violence against women. However, the state tried to respond to women's issues. The State Administrative Services Training Institute (Yashodha) incorporates gender issues in its syllabus and provides on-going gender sensitization training to mid-career bureaucrats. Maharashtra's laws waive court fees for women and provide them with automatic joint ownership of land. In addition, each police station in the metropolitan areas of Bombay, Pune, Nagpur and Aurangabad have women counselors attached. Family courts also have attached counselors and can provide data. Forty counseling centers look at women's situation in the family.

Recommendations and suggestions:

In discussing violence against women Ms. Gohre suggested:

- That it would not be difficult to collect primary data on violence from women female participants;
- One of the by products of analyzing secondary data could be the development of a common format when registering complaints against domestic violence which would provide socioeconomic data and information on the perpetrator as well as the causes which lead up to violence.
- The development of a primary data questionnaire could be incorporated into the design of the district legal literacy outreach, though she felt that training for interviewers could occur during the collation of data and its analysis would have to be carefully planned. On the whole however she felt there were adequate facilities available in Pune for a large data collection effort to be gone through successfully.

She suggested the possibility of providing communities with incentives for developing "Zero Violence Zones" and also felt that there was much benefit in comparing the incidence of violence in rapidly industrializing centers and traditional rural situations.

Gokhle Institute
Commerce College Road,
Pune

Contact: Prof Wadhwa, Director
Prof: Deshpande, Chief Statistician

WR TEAM
Susan Deller Ross
Lisa Veneklasen
Maja Daruwala

The purpose of the visit was for the team to gain insights into research possibilities in the context of India. The Gokhle Institute is one of several economics research institutes which criss cross the country and have been supported by the state. Their long term primary focus has been to development economics but they have not focused on women in this endeavor.

Recommendations and Suggestions:

In discussing the notion of a definition of domestic violence against women, Prof. Gokhle suggested deferring this until a questionnaire could be canvassed which would throw up different incidences of violence against women and could then be analyzed to provide a definition which could address difficult questions related to excessive control, fear and threat of deprivation or abuse. He said that the available data was poor and incomplete and could not base objective research, though some micro studies had produced justifiable analysis of the situation.

The Institute itself is poorly staffed and unfamiliar with the area of women's studies, however several staff have expertise and theoretical orientations which could be beneficial to making the study withstand rigorous scrutiny.

Pro. Gokhle opined that:

- The time line of 18 months suggested a very focused effort;
- In analyzing and documenting domestic violence in a single state, Maharashtra suggests itself because intrastate contrasts were possible as there is wide disparity of culture and socio-economic progress within its four regions of which two are classified as backward and two as forward. In addition to urban and rural contrasts there were also pockets of tribals and minorities which could be canvassed;
- In order to be an effective tool for legislative change the questionnaire should be devised in the light of the law in addition to being the product of pretesting with real life experiences which may suggest further lines of inquiry and other policy interventions;

- Secondary data being poor and providing only a partial picture, primary data would be the best source and geographic variety would provide an element of diversity as well representative sampling;
- Primary data could be juxtaposed with judicial and executive records to indicate the actual versus the reported level of violence;
- It would be worth comparing Kerala, the most well educated state with Uttar Pradesh;
- Data collection could also involve the new Panchayati Raj structures and the 33% women elected members as well as those that sit in the gram sabhas;
- Children could be effective and honest vectors of information about domestic violence;
- The effort to document domestic violence against women should be guided by an interdisciplinary team including a demographer, lawyer, sociologist and economist;
- The target audience should be policymakers who should be persuaded to make policy changes and put in place structures and legal mechanisms which would increase access to legal information, redress, and improve the quality of response to violence against women.

**Pune University, Department of Law
Pune**

Contact: Jaya Sagade, Associate Professor, Faculty of Law.
Nirmala Pandit, Lecturer, Faculty of Law

Present:

Jaya Sagade, Lecturer in law, Pune University; member Institute of Advanced Legal Studies.

Vaijanti Joshi, Principle, Indian Law Society, Law College, Pune.
Ms. Madhu, PhD student and statistician

WR TEAM

Susan Deller Ross
Lisa Veneklasen
Maja Daruwala

Mrs. Joshi is the head of ILS Law College, and effectively chief administrator of the Law College's clinical training program for law students. The faculty is virtually all-female (one male professor). 35% of the law students are women. Ms. Sagade is the chief researcher at the Institute of Advanced Legal studies which is based in ILS College, Pune.

Established 75 years ago, ILS started work on legal literacy 20 years ago. The Law College has both a 3-year and 5-year LL.B. Program; students can go on from there to get an LL.M. after 2 more years. The school has four courses on Women and the Law. At Present ILS is redeveloping its curriculum to reflect more closely societal realities and emphasized and mainstream women's rights and social justice aspects of law teaching.

They have a research program as well as an outreach and continuing legal education program for NGOs and district court judges. Their program contributes to ILS's own syllabus and in house teaching efforts. ILS College is presently involved in redefining their syllabus in law and society terms with an emphasis on mainstreaming social justice and gender issues.

They have a long established and well reputed clinical legal education program and run city clinics for disadvantaged people. Law students and/or social workers do initial survey work in villages and slums, using house to house surveys to determine the nature of the legal problems the inhabitants face. Then the school assigns appropriate faculty for the relevant subject matter (e.g. agricultural land issues, lack of maintenance -- i.e., spousal support) to work with the students. Under the professor's supervision, the students first try to help the villager solve the problem informally. For example, in a maintenance case, they would talk to both parties and see if reconciliation or agreement on maintenance is possible. If not, they would represent the woman in a court case seeking maintenance.

Students also prepare legal literacy materials in the vernacular, for example, on maintenance and consumer law problems. The materials use pictures to teach people who are not literate. This program is the first of its kind in Indian law schools.

Another student program involves law students teaching high school students in the 8th through 10th standard. One local school is selected each year, and the law students teach the high school students in that school for a year, visiting the classroom each week. The curriculum exposes students to law on subjects of interest to them, and also teaches them about the process of enacting legislation. This is very similar to the Street Law programs in some American law schools except that students are not given law school course credit for their participation. If students got course credit, more students would be interested in participating in such a program.

The school has also done some gender-sensitivity training with state level bureaucrats, and officials from the Indian Administrative Services and the Indian Police Services. Their faculty also assist the state administrative training institutions with rights and social justice training.

On the subject of violence, the professors indicated there is no law providing for civil protection orders to be issued against batterers to require them to stop assaulting their wives, as some other countries have. However, they would be interested in exploring this area by working cooperatively with a program like the Georgetown University Law Center's Sex Discrimination Clinic. There, the students represent victims of domestic violence in the local courts. The clients are entitled to get such relief as a court injunction ordering the husband to stop assaulting the wife, and granting her custody of the children and child support. If there is a violation of the CPO, the client can file a motion for criminal contempt, which can result in the batterer being sent to jail for up to 6 months. The courts provide a simplified, fast, process designed to give women who do not have lawyers speedy relief (within 2 to 4 weeks of filing a simple court form).

A study of how judges ruled on 1000 maintenance cases in Pune showed no nexus between the husband's income and the amount of the order, with a maximum maintenance order of 50 or 100 rupees per month. The judges appear to concern themselves more with the man's obligations to other family members than they do about the destitution of his wife. The judiciary is virtually all-male; they estimated that the percentage of women in trial courts could be anywhere from 1% through under 5%.

Maintenance law is a mixed blessing. Proceedings are extremely slow, service is difficult and relief is often illusory. Many men have no assessable or verifiable income and are often daily

wage earners with shifting salary and living profiles. In addition the law requires the wife to prove the amount of his income whereas clearly the onus of providing an honest assessment of income should be for the husband to declare before the court. The paucity of documentation also makes establishment of income a difficulty.

As with many other persons met in Maharashtra data sources were not considered to be impossibly inadequate or inaccessible. The Statistical Reports on Crime in India, have state-wide information and indicate that violence against women in Maharashtra is significantly high. Whether this is due to better reporting and heightened police sensitivity to the issue or because there is indeed more violence here than elsewhere is debatable in the absence of reliable primary data on the actual prevalence of domestic violence in different states of the country.

They also saw possibilities for future social action built on the data, and would be interested in undertaking such work at a local level by working with such groups as The Institute of Advanced Legal Studies, social organizations, Georgetown Law, and ICRW/CEDPA. They saw such work as entailing multiple steps: collecting the data; using it to get new laws at the local level including new specialized courts set up to provide speedy relief; working on legal literacy to inform villagers of their new rights; seeking court implementation with law students; providing training for officials; and providing further services for women such as shelters.

With reference to primary data they felt that the sensitivity of the subject of domestic violence posed challenges to its collection. In addition definitions would have to be developed which dealt with both physical violence, mental trauma and the long term effects of threat and fear.

People were not likely to answer the question of whether they had been subject to violence honestly; perhaps children and neighbors would be more forthright reporters of violence against their parents and others. They saw law students as a source of interviewers (they could send out about 100 students to do this). They also had the interesting idea of using the 900,000 women newly elected to the local Panchayati Raj as a group of interviewees for a primary data survey. Another interesting idea for across-cutting group of interviewees was secondary school students in Pune's school system. By using municipal corporation schools which the lower class attend, private schools which the middle class attend, and convent schools which the upper class attend, surveyors could get groups that would represent all of society and that can be reached relatively more quickly and easily than going household to household in a village. Another interesting idea was to administer such a survey in the context of the Street Law classes. This would

enable those conducting the survey to train a highly educated group of law students in the relevant definitions and methodology. The law students could then administer the questionnaire while teaching their course, perhaps at both the beginning and end of the course. However, they recognized that developing such a questionnaire would be very time-consuming.

Recommendations and Suggestions:

ILS, because of its roots in the local community has both the cultural sensitivity, acceptance and language skills to consider assisting in a survey of domestic violence against women in Maharashtra. Students involved with clinical legal education can be used to gather information on domestic violence. This is vital both to their understanding of social realities and incorporation of like experiences into their future practice of law.

Their own data sources culled from several years of running clinics and specific research on related issues provides data for analysis in the context of domestic violence.

ILS is also a natural focal point for building a cooperative NGO-legal advocacy program that could experiment with new and different ways of providing effective relief for victims of domestic violence. The lessons learned from such experiments could form the basis for future action in other locations. The school's strengths include its pioneering work in clinical legal education, the high percentage of women in both the faculty and student bodies, the local language advantage, and its demonstrated interest and expertise in working creatively to help improve the legal system.

Preliminary definitions of violence were available in international instruments but once it is accepted that people must live in human dignity then the debilitating psychological results of threats, verbal abuse and mental torture should also be factored in while documenting violence.

Any efforts at providing women with legal literacy should ideally be linked to providing women with alternate safe spaces such as shelters as well as the opportunity for economic independence.

The state's recognition of violence against women is limited to a few sections of the general criminal code. The code itself the outcome of colonial and Victorian perceptions is insensitive to women's conditions in present day India. There is a need for a comprehensive revision which would privilege women, recognize the need to engineer social attitudes and treat violence in all its forms as a delict with both criminal and civil remedies including injunctions which prevent the perpetrator access to the victims self or household and which ensure the woman the right to reside in the matrimonial home. In addition there is scope to devise consequences which would be both punitive as well as compensatory and not limited to incarceration.

Stree Vani (Women's voice)

Vinay Vikas,
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Present:

Usha Bambawale, Director
Ms. Kotwal, editor at Stree Vani
Nirmala Pandit, lecturer in laws at Pune University
Vatika Sibel, LLM student.

WR TEAM

Susan Deller Ross
Lisa Veneklasen
Maja Daruwala

Streevani has been working with women for over a decade. They are a documentation center on women's issues, provide counseling, legal services, some income generation and shelter to women in difficult situations. They work to sensitize women about themselves and also other constituencies such as the police. Presently they are in the process of producing a book which documents the cases of several women who have suffered violence in the home.

Recommendations and suggestions:

- A documentation of the nature and extent of violence against women is a worthy and important initiative.
- Success will depend on collaboration of institutions and the personality of a coordinator, since all success eventually boils down to participating individuals.
- Geographic diversity by itself isn't a sufficiently compelling factor in assessing domestic violence because cultural practices, norms and attitudes towards women change from district to district.
- A comparison of two states or areas which contain the broad trends of modernity such as industrialization, and education, as well as those that hold to entirely traditional societal patterns, would provide insights into the nature of the problem. At the same time samples must represent diverse socioeconomic strata.

National Institute of Advanced Studies (NIAS)
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Shreelata Batliwala, director Women Policy Research and Advocacy Unit, at NIAS
Sandhya Rao, Director, Hengasara Hakkina Sangha,
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NIAS is a multidisciplinary research centre linking advocacy, research and training. The WOPRA unit was set up in 1994 with the idea of developing a status report on the women of Karnataka from a rights perspective. The study will indicate the extent to which developmental processes and state actions assist women in realizing their full citizenship rights, and will show how sex discrimination pervades all spheres of human development. By providing measuring inequalities, the document will provide a firm basis for advocacy efforts, indicate the extent to which policies result in citizen equality, and suggest intervention strategies for equitable social development. Sharing the document with the communities which have helped produce its primary data will assist in prioritizing issues and inform village level governance.

An initial literature search and scan of secondary data indicated the need for comparative primary surveys which would be representative of state diversity, and indicate actual mechanisms of subordination and the circumstances which perpetuate control, patriarchy and discrimination. In order to distinguish the status of women from their material condition the study was divided into several areas: control over labour and income, control over and access to public resources, control over private resources and assets; control over the body, reproduction, safety and security; control over mobility and access to spaces; access to political spaces; and access and control over redress, both formal and informal. The study used a closed ended, pre-coded questionnaire developed which was pretested several times in the field before being finalized. Data are currently being entered at TIDE, a professional social science resource center which specializes in social justice and development issues. The questionnaire took 7 months to develop and administer and the final report will take altogether 1.5 years for completion. Although the questionnaire had over 200 questions, only one hour was needed to complete each interview. Thirty-two enumerators worked in pairs. Frequent reviews helped overcome initial difficulties; one difficulty relating to a sudden question on sexual relations resulted in the study being abandoned in an

village. Ms. Rao's legal literacy team assisted in developing and administering the questionnaires.

One of the results of the study has been a manual for field investigators, with a blank questionnaire and how to use it. The authors feel that for each new area and language will need a transcreation of the questionnaire to fit the cultural sensitivities and particularities of the local situation.

The study encompassed 6 village clusters in 200 villages and covered 100% of households questioning one ever-married woman and her husband in each household. Only rural areas were sampled. A major challenge to the project was the size of the questionnaire (37 pages) and the size of the samples. The project trained NGO personnel who were already working in the areas and has established rapport with villagers. NGOs will now be co-authors of the study, which will enable them to discuss results with governance and civil society in the villages. WOPRA envisages dissemination through a full English version and a simpler more reader friendly Kannada version. In addition, smaller extrapolations will cater to different informational and advocacy needs of the community and NGOs.

Recommendations and suggestions:

- Present statistics on domestic violence are restricted to varied microstudies.
- Effective advocacy for social change can only be based on methodologically sound, representative and objective data which is not readily available.
- The above described study presents a model which can be well adapted for the present initiative.
- Comparative data about self-reporting and actual reported cases will indicate disabilities in the arena of administration of justice.
- The above model could be augmented by looking at the life cycle of violence in family lives.
- Additional information on attitudes to violence and the experience and effects of violence on victims could be extracted from focus group discussions.
- Urban samplings are very important to highlight persuasiveness of violence at all levels and dispel myths of violence being a problem of the poor.
- Challenges of personnel, time-lines, budgeting, pre-administration training have also to be addressed.

- Principles of collaboration should be clearly articulated, expectations on all sides understood and absolute transparency from the beginning established with partner organizations. The test of success is to ensure that at the end of the study focal institutions, NGOs and communities are all engaged in the process and closer in terms of experience and interchange.
- It is important to have legal software and the flexibility to pull in expertise at different stages of the project.

National Law School
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Dr. Mahadeva Menon, Director,
Ms. Elizabeth, Centre for Women and Law

WR TEAM
Susan Deller Ross
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The NLS has over the past 9 years become the premier institution teaching law in India. It was started as an experiment at a time when legal education was at its nadir and there was great concern in the legal fraternity about the inability of legal education to address societal issues, develop a relevant indigenous jurisprudence on social justice issues. In this context its original vision was teaching laws from a social justice and gender perspective. The law school has a 5 year curriculum which culminates in a BA and LLB degree. It has developed innovative teaching methodologies and a reputation for outreach work. Over the years it has become a resource for the community at large and is relied on to assist various government bodies to formulate laws and examine and analyse legal, economic and social issues.

In furthering its mandate to improve legal education across the board it has several outreach programs: training scheduled caste and tribe aspirants for judicial magistrates posts; it providing other law faculties with refresher courses in teaching methodology and clinical teaching innovations; continuing education programs for judges and lawyers from across the country; offering courses for para-legal training for NGO groups; providing regular legal literacy classes to girls' colleges in Bangalore; and developing an entire human rights training course for police entry levelsub-inspectors.

Its clinical legal education program includes providing legal services and legal aid to a rural and urban constituency. The rural clinic at Ramnagaram has been established for nearly 7 years, and has brought about a change in the culture of the villages of the area and in particular of the women who now have the confidence of reliable legal service provision at their doorstep. The clinic is run in tandem with a woman's NGO (Sakti) and staffed by students from the law school. The city clinic has regular premises in court. In addition students take part in national and international moot court competitions. The law school also runs a national annual competition on community based law reform. Each year law colleges submit proposals on a given topic for law reform, such as common property resources, prostitution, and protecting unorganized labour. Over a 15 month period qualifying teams research the knowledge level, implementation and impact of that law on a chosen community and report back on the functioning and usefulness of the law as well

as the possibilities of rewriting the law from the point of view of the end user.

Recommendations and suggestions:

- The National Law School has great credibility with a wide spectrum of civil society and policy makers. It is often the natural choice as a home for several law related initiatives. However, at the present time it does not have a strong women and law centre and is undergoing a period of transition as its founding director retires. In addition, it is often overcommitted as a result of its own success. However, in terms of the present initiative the law school is in an excellent position to document its work in Ramnagaram in terms of assessing violence against women in Ramnagaram and drawing some conclusions on the effect of long term intervention by an NGO on the legal culture of the area.

ANNEX E
POSSIBLE COLLABORATORS FOR THE STATUS REPORT

During the course of the interviews with individuals and organizations, the Women's Rights Team identified several possible institutional collaborators for the Status Report. These are listed below. Some of these institutions are supported by the ICSSR (noted).

- +TIDE (Bangalore)
- CDS (Kerala)
- MIDS (Tamil Nadu)
- *+CWDS (Delhi)
- Yadapur University (Bengal)
- *Centre for Studies in Social Sciences (Calcutta)
- *+IDS (Jaipur)
- +Tata University (Bombay)
- +SNDT (Bombay, Pune)
- *CPR (Delhi)

- * Supported by ICSSR
- + Interviewed by Women's Rights Team