

Violence Against Women in India

A review of trends, patterns and responses

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April 2004

**Prepared by the International Center for Research on Women (ICRW)
for
UNFPA India**

FOREWORD

Gender-based violence leads to devastating and long-term mental and physical consequences, sometimes leading to death and disability among women and girls. It is a violation of the basic human right to safety, security and life without discrimination. In India, government and civil society organisations have gradually begun to recognise violence, especially domestic violence, as a public concern rather than merely a private family matter.

The World Health Organisation believes that at least one in five women has been physically or sexually abused by a man at some time in her life; and research suggests that women are more at risk from their husbands, fathers, neighbours or colleagues than they are from strangers.

Violence against women and girls is a serious violation of their right to dignity and to a life without discrimination. Women bear a disproportionate burden of productive work that is usually categorised as unpaid labour. They are virtually single-handedly responsible for raising future generations. Given their contributions to productive work, the economic costs of violence are phenomenal.

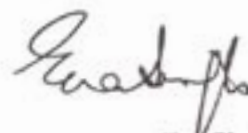
The negative impact of gender based violence on reproductive health is only beginning to be recognised. It is being recognised that violence leads to unwanted pregnancy, complications during pregnancy, miscarriage, low birth weight babies and maternal mortality. Health service providers are perhaps the only functionaries that women see in the event of violence. Yet, there is a long way to go in sensitising providers to violence as a public health issue and as a cause of a number of reproductive health ailments, including HIV/AIDS.

The International Conference on Population and Development (ICPD), Cairo, 1994, clearly emphasized the need for all countries to take full measures to eliminate all forms of abuse, exploitation, harassment and violence against women, adolescents and children. While recognising violence as occurring throughout the lifecycle, ICPD drew attention to gender based discrimination in the early stages of life. It called for all countries to uphold basic human and reproductive rights and ensure that women realise their full human potential.

UNFPA has supported the preparation of this document on 'Violence Against Women in India' in order to capture the trends, patterns and responses to violence. It highlights forms and manifestations and the debilitating effects of violence throughout the lifecycle. It also presents the legal and policy measures for the various kinds of violence – domestic violence, pre-birth elimination of females, and sexual violence. The document is aimed at diverse audiences with a view to providing information, stimulating debate as well as guiding policy processes towards mainstreaming gender. It also aims at identifying gaps in data on violence, reviewing laws and learning from various institutional responses to violence.

It is hoped that the government, civil society and support agencies would benefit from the information and be guided by the field experiences and findings from qualitative studies highlighted in the document. We are confident that the document would serve as a trigger for reflection as well as action at the policy and programme levels.

UNFPA wishes to acknowledge the contribution of the International Centre for Research on Women in putting this document together.



Ena Singh

UNFPA Representative, a.i

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Introduction

Women and girls in South Asia are born into a social and cultural system steeped in inequity and discrimination. They receive an unfair share of opportunities, attention and resources from the moment of their conception. One of the most challenging and threatening manifestations of gender based inequity is violence against women and girls (VAWG).

Violence against women (VAW) is globally pervasive. It exists in every country, cutting across boundaries of culture, class, caste, education, income, ethnicity and age. However, the worst manifestations are in South Asia, which is known as the most gender insensitive region in the world (Mahbub ul Haq, 2001). The current political, social and economic status of women in South Asia generates deep concerns and challenges:

- This region has one of the highest incidences of violence against women in the world
- 44 percent of the world's illiterate women are South Asian
- Women's life expectancy is less favourable compared to that for men
- There are an estimated 79 million "missing girls and women" in South Asia who would have been alive if the sex ratio followed the global norm (Mahbub ul Haq, 2001)
- An increasing number of South Asian girls are being sold into sexual bondage across the national borders and most often their own families are responsible for it (Frederick 1998)

These trends are also reflected in the status of women in India. The female literacy rate in India is 54.16 %.¹ Census data shows that while the sex ratio has risen since the last decade, it is still low at 933. The juvenile sex ratio in India has reached an all time low of 927 (census data, 2001). Official statistics from the National Crimes Record Bureau (NCRB) reveal a trend of rising crimes against women. Other cultural practices in India such as dowry, child marriage, sati, the devadasi tradition and ill treatment of widows enhance girls and women's vulnerability to the experience of violence. Gender differential treatment in nutrition, health care, education, mobility and other life opportunities places girls' and women at a higher risk of violations of all kinds.

It is being increasingly recognised by policy makers in India that violence against women and girls is a serious constraint to the achievement of the country's development goals. This concern has prompted legal reforms, new legislation, beefing up of institutional mechanisms for the advancement of women and instituting policies that seek to address women's vulnerability in various arenas. India has also been a party to several international human rights conventions addressing violence directed towards women and girls. Of these, the two most directly relevant to the issue of VAWG are the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979, and the Convention on the Rights of the Child (CRC), 1989. India ratified the CEDAW in 1993 and acceded to the CRC in 1992.

Recommendation 19 of CEDAW states "Gender based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedom on a basis of equality with men". Article 2 of CRC prohibits discrimination on the basis of sex; Article 19 emphasizes protection of the child (under the age of 18) "from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse; and Article 34 calls for "protection of children from all forms of sexual exploitation and sexual abuse". All the countries of South Asia, except Afghanistan, have ratified CEDAW and all the South Asian countries have ratified CRC, though some acceded to these conventions with reservations. A number of international conferences in the last decade such as the UN World Conference on Human Rights (1993), the

¹ Census data, 2001. Registrar and Census Commissioner of India

International Conference on Population and Development (1994) and the Fourth World Conference on Women in Beijing (1994) also ensured adequate focus on rising violence against women and girls in South Asia.

Definition of Violence Against Women

The term “violence against women” refers to many types of harmful behavior directed at women and girls because of their sex. One of the most widely accepted definitions of violence against women has been framed by the United Nations. Article 1 of the declaration on the elimination of violence against women defines it as “Any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life”. Article 2 of the UN Declaration clarifies and lists some forms of violence as, “Violence against women should encompass, but not be limited to, acts of physical, sexual, and psychological violence in the family and the community. These acts include spousal battering, sexual abuse of female children, dowry related violence, rape, including marital rape, and traditional practices harmful to women, such as female genital mutilation. They also include non-spousal violence, sexual harassment and intimidation at work and in educational institutions, trafficking of women, forced prostitution, and violence perpetrated or condoned by the state, such as rape in war”.

It is important to recognise that class and caste also mediate in making men vulnerable to certain forms of violence (such as trafficking of young boys, child sexual abuse, bonded labour etc.) but the experience of violence is overwhelmingly determined by gender related vulnerabilities, making women and girls most susceptible.

Conceptual Framework

Violence against women and girls is rooted in unequal power relations between men and women in society and can be well understood within a gender framework. While sex is a biological category, gender is a social construct and refers to widely shared expectations and norms within society about appropriate male and female behaviour, characteristics and roles. Thus, gender roles prescribe a strict division of labour wherein women are expected to perform largely reproductive functions - maintenance of the household, child care, serving the elderly etc. Gender roles also prescribe characteristics of docility, unending patience and servility for women. Women are judged and condemned by society if they go against the prescribed terms of behaviour for them.

The construction of gender roles implies that women have far lesser access to productive resources and decision-making compared to men, resulting in unequal balance of power. Unequal treatment and discrimination in child rearing and caring practices in the family, male preference and denial of rights to health care and education to girls are some of the factors that make women vulnerable and susceptible to different forms of violence. In South Asia, violence against women and girls has been viewed along a continuum of incremental discrimination that renders them vulnerable to violations in several spheres of their lives. Gender based inequality exists in all stages of women’s lives – from infancy to old age and manifests in the form of several acts of violence. The life cycle approach to violence against women (on page 3) attempts to examine the manifestations and forms of violence in the lives of girls and women and highlights critical areas of their disempowerment.

Table 1 : Examples of gender based violence visible at different stages throughout the lifecycle

Prenatal	<ul style="list-style-type: none"> - Pre - birth elimination of females - Physical battery during pregnancy
↓	
Infancy	<ul style="list-style-type: none"> - Female infanticide - Differential access to care, nutrition, healthcare, education
↓	
Childhood	<ul style="list-style-type: none"> - Child marriage - Child sexual abuse - Child Prostitution - Differential access to care, nutrition, health care, education
↓	
Adolescence*	<ul style="list-style-type: none"> - Molestation/eve teasing - Rape - Incest - Sexual harassment in the work place - Forced prostitution - Trafficking - Violence associated with pre-marital pregnancy, abortion - Differential access to care, nutrition, health care, education - Kidnapping and abduction
↓	
Youth and Adulthood	<ul style="list-style-type: none"> - Domestic violence - Marital rape - Dowry related abuse and murder - Coerced pregnancy - Homicide - Sexual harassment in the work place - Molestation, sexual abuse, rape - Differential access to care, nutrition, health care, education - Desertion
↓	
Old Age	<ul style="list-style-type: none"> - Abuse of the elderly (forms affecting women more than men) - Abuse of widows - Threat of sexual violence - Lack of access to care, nutrition and medical facilities

*since this table refers to stages of the lifecycle, examples quoted pertain to unmarried adolescents

Table 1 illustrates both the distinct forms of violence against women and girls over the lifecycle ranging from discrimination at one end to overt physical and sexual violence at the other. Therefore, while some forms of violence are direct and visible, many others are insidious and more hidden, thus making invisible both the nature and degree of the violation. For instance, child marriage enjoys cultural and social sanction in many communities. It is also important to recognise that these varying manifestations of VAW are mediated by factors

such as age, education levels, employment status, caste etc.

It thus follows that violence against women refers to specific acts or behaviours as well as a continuum of deprivations and discrimination that are rooted in gender inequality. Crimes against women and girls (such as rape, molestation, physical abuse by husband) are specific, legally recognised acts of violence and hence a significant but not the only part of the continuum. At a broad level, crimes against women are a legal category whereas violence against women encompasses social and economic violations not captured by legal enactments. In India, despite the many positive developments in securing women's human rights, the reality of the situation on the ground for women continues to be extremely harsh. Strong patriarchal values govern formal as well as informal institutions within the country. A majority of women face nutritional discrimination within the family, eating last and least. The average Indian woman bears her first child before she is 22 years old, and has little control over her fertility and reproductive health. Only 50% of Indian women are literate as compared to 65.5% of men. Far fewer girls than boys go to school and many of them drop out of school. Women are legally and socially discriminated against in land and property inheritance rights. Most women do not own any property in their names and do not get a share of parental property.² These discriminatory practices make women socially, economically and emotionally dependent on men in the family – father, husband or son – and make them vulnerable to various kinds of threats and acts of violence. Another dangerous trend observed is that of gender differentials in nutrition and health care, which in the long run would be potentially as lethal as female feticide and infanticide.

Violence Against Women in India

If women were treated equally in India, there should have been 512 million women in the present population of one billion. However, estimates show that there are only 489 million women. Where are the missing 25 million? Some are never born, and the rest die because they are not given the opportunity to survive. In countries where women and men are treated equally, women outlive men as they are biologically the stronger sex. Typically, one can expect to find 103-105 women for every 100 men in the population.³ However in India, according to the 2001 census, there are only 933 women for every 1000 men.

National level data on crimes against women, available largely through the National Crime Record Bureau (NCRB), indicates that in many parts of India, levels of violence against women are very high. These include rape, kidnapping, dowry deaths, mental and physical torture, molestation, sexual harassment and trafficking. However, it is important to note that official statistics reflect a small percentage of the actual magnitude of VAWG. A research study by the Special Cell for Women and Children in Mumbai (2000) showed that only 33% of the women who sought help from the special cell due to violence approached the police for help. The multi site study undertaken by ICRW and INCLEN (2000) also revealed that less than 2 per cent of the women facing domestic violence reported approaching the police to register complaints. The available national data do not necessarily explain regional and district trends, nor does it offer answers in the context in which the violence is perpetuated. Hence, qualitative, community – based micro studies have been important in understanding the dynamics and actual prevalence of violence against women. The women's studies movement, women's organisations and several gender experts have made significant contributions in this regard.

In an exercise to contextualise the data and arrive at district level trends, the Center for Women's Development Studies (CWDS) undertook a study of the recorded crimes against women for various districts in India and

² Women in India: How Free? How Equal?: Kalyani Menon-Sen. & AK Shiva Kumar; United Nations (UN); 2001

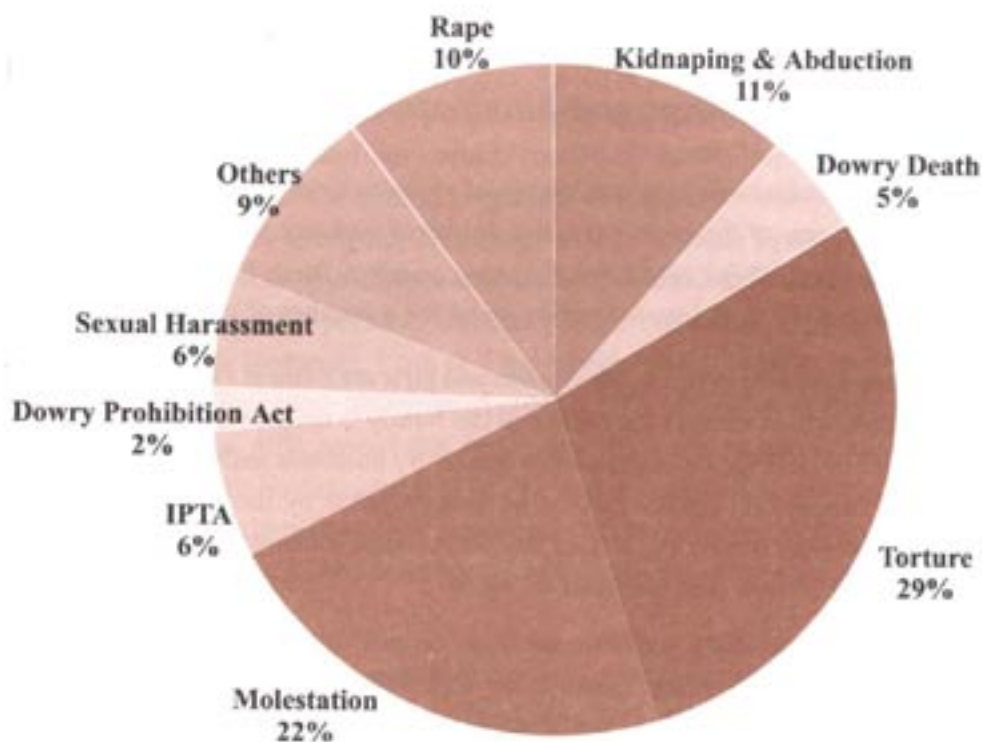
³ *ibid*

found some appalling trends:⁴

- Crimes against women (CAW) have been increasing over-the years
- Cruelty by the husband and his relatives consistently records the highest crime rate
- Every day: 337 cases of CAW are reported; 42 women are raped; and 18 cases of dowry deaths occur
- Every hour: 5 women face cruelty at home; 4 molestation cases are reported
- One – fourth of all rape victims are children
- In 1996, Capital Delhi was the worst, with the crime rate of 223 cases per million persons and the highest rates of kidnapping/abduction among women and girls being reported
- Cases of sexual harassment cases are being recorded increasingly in recent years

In 1998, the NCRB reported that the growth rate of crimes against women would be higher than the population growth rate by 2010. This implies that progressively a greater number of women are becoming victims of violence. Registered crimes against women have shown an increase of 8.4% between 1997 and 1998 and 3.3% between 1998 and 1999.⁵ The pie chart below shows the distribution of crimes against women for 1999.

Total Recorded Crimes Against Women 1999



The downward spiraling juvenile sex ratio and the increasing rate of crimes against women point to the endemic nature of violence against women. There is clearly a “gender” crisis that needs to be recognised, studied and addressed. Comprehending the full dimensions of violence against women and girls by strengthening existing mechanisms of data collection and analysis is the first essential step.

⁴ Crimes Against Women: Bondage and beyond; Revelations of Data; Center for Women 's Development Studies (CWDS), 2002

⁵ Crime in India 1999; NCRB, Ministry of Home Affairs, Government of India.

VAW is a clear manifestation of the subordinate social status occupied by women and girls. In India and indeed South Asia, society is organised around rigid gender roles, which prescribe what women and men can and cannot do. Violence against women is used as a tool to reinforce and maintain gender roles and as a weapon to punish women who transgress them. Thus, for example, domestic violence is seen as justified if women do not perform their wifely or motherly 'duties'. Within society and families, the onus of maintaining 'honour' is placed on women and in many instances, rape and sexual violence against women are used by men to 'dishonour' families or communities.

Another reason for the growing trend of violence against women is impunity, lack of social or legal sanctions, and the failure to implement existing legislations. Women are often condemned by their own families and community for speaking out against discrimination and abuse. When they seek help and justice, they are often confronted with further discrimination from the criminal justice system.

Women's empowerment itself can unleash violence against themselves as men may react to the challenge it poses to the patriarchal social structure which benefits them. This may be a significant cause of the rising trend and forms of violence against women in India. Social and economic transformations are being juxtaposed against patriarchal values and attitudes, leading to a backlash against women. Addressing gender inequalities creatively and devising innovative methodologies to work with men for the empowerment of women is essential to prevent this backlash.

Violence Against Women: Forms and Manifestations

Women and girls in India are vulnerable to several forms of violence throughout their life. However, this paper attempts to provide an overview of the most pervasive forms of violence against women in India: **Domestic Violence, Sexual Violence (including Child Sexual Abuse) and Pre-Birth Elimination of Females (PBEF)**^{*}. There is a need to bring these offences into the public arena for a number of reasons:

- There is increasing evidence to show that women and girls are more at risk of violence within the family than from strangers, which shatters the myth that the family is the safest place for women. For example, analysis of the NCRB data for 1999 shows that cruelty by husbands and dowry related violence together account for 36% of the total crimes against women recorded by the police. The second highest was found to be molestation, comprising 22% of the total crimes, followed by rape and kidnapping having a share of 10% and 11% each (see pie-chart on pg.5)
- There is very little formal data available on these crimes against women due to lack of systematic documentation and under reporting. Most of the data and factual evidence on these types of crimes, especially sexual violence and child sexual abuse, is based on qualitative research studies conducted by non-governmental organizations.
- There is a culture of silence around issues such as domestic violence, rape and child sexual abuse, especially if the perpetrator is from within the family. In case of the latter, violence in the family is considered as a 'private affair' - 'a family matter' beyond the domain of law. As a result, these forms of violence, though widely pervasive, are trivialized and most of these cases go unreported.

^{*} PBEF refers to the practice of detecting the sex of the fetus and terminating the pregnancy if the fetus is found to be a female.

I. Domestic Violence:

Violence within the home is widespread and affects women throughout the society - in wealthy urban households as much as in the poorest rural households, across all religious, class and caste boundaries. Domestic violence (DV) refers to any act of violence in the house – it includes differential treatment of girls, wife beating and abuse, torture of daughters-in-law and neglect of widowed women in the family.⁶ The perpetrators are close relatives of the woman – father, husband and his family, sometimes even the son. Domestic violence is generally part of a pattern of abusive behavior and control rather than an isolated act of physical aggression. Physical violence in intimate relationships is almost always accompanied by psychological abuse and, in one-third to over one-half of cases, by sexual abuse.

Manifestations of Domestic Violence

- **Physical abuse** - hitting, slapping, kicking, punching, burning, choking, using physical objects to cause injury, control over reproductive rights and health
- **Mental abuse** - threats, dictating what a woman can and cannot do, verbally abusing, humiliating the woman or her parents, not allowing the woman to leave the house or visit her natal house
- **Sexual abuse** - rape, unwanted touching, forcing sexual acts, refusal to practice safe sex
- **Economic or property abuse** - stealing or destroying personal belongings, demanding money, withholding basic needs such as food and clothing, not allowing the woman to work

DV is rampant in Indian homes and is so pervasive that it forms the largest category of crimes against women (NCRB, 1995-1999). As pointed out earlier, cruelty by family members, including harassment for dowry and dowry deaths, account for the highest proportion of registered crimes against women. According to the National Family Health Survey II (NFHS-2), 21% of women in India have experienced violence since the age 15, and 19% have been beaten or physically mistreated by their husbands. 2% have been beaten or physically mistreated by in-laws and 3% by other persons. The data implies that among women who report beatings, 9 out of 10 have been beaten by their husbands, 1 out of 7 have been beaten by other persons, and 1 out of 12 have been beaten by their in-laws. The survey also pointed out that 56% of women in India accept at least one reason as justification for wife-beating. 40% agreed that neglecting the house or children justified wife-beating. The high level of acceptance of wife-beating revealed by the data suggests that women feel powerless in face of violence and accept violence resulting from their gender based roles without question. Given such circumstances that influence reporting of violence, it becomes even more difficult to estimate the actual prevalence of domestic violence.

Research studies on the trend of domestic violence have found that while reporting of domestic violence may be marginally higher among poorer and less educated women, women from middle and upper middle class families also experience domestic violence in significant numbers. One such study has shown that 1 out of 4 middle class women have reported being hit, kicked, slapped or beaten by her spouse (ICRW-INCLIN, 2000). The women's movement in India has long recognised the added burden of middle class morality in bringing this issue into the open.

The NCRB, 1999 data also reveals that the reporting of torture of women by their husbands and his relatives increased by 90% from 1989 to 1990, and by 13% in 1995-1996. However, household level surveys show that

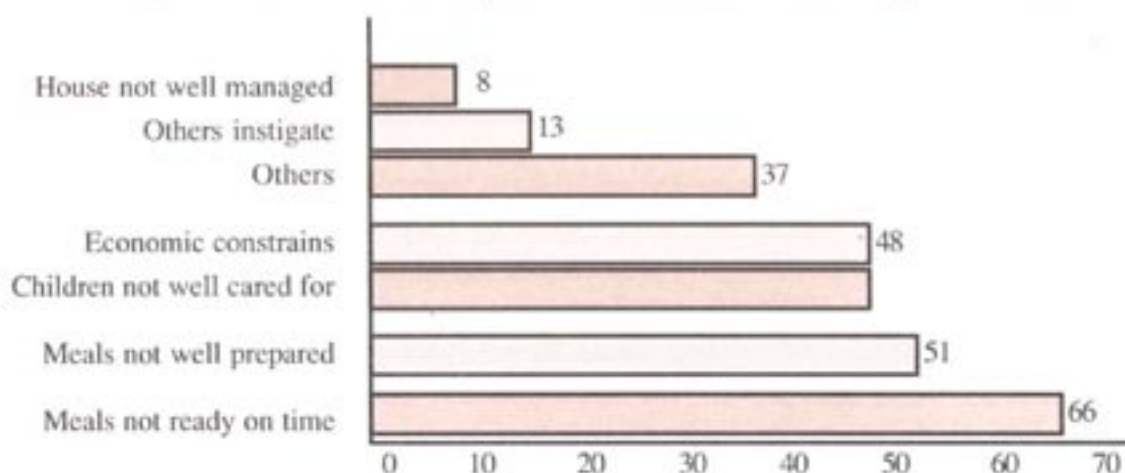
⁶ A Reference Kit on Violence Against Women and Girls in South Asia; UNICEF; 2001

the actual prevalence of DV is much higher. A multi-site study of 9,938 rural, urban slum, and urban non-slum households found that 52% of women reported experiencing at least one form of physical abuse or psychological abuse by their husbands. Specifically, 40.3% reported physical abuse and of these 50% reported being beaten three or more times during their marriage and at least once during pregnancy.⁷ These rates were found consistent with those of the NFHS study, which found that at least 1 in 5 married women in India have experienced domestic violence since the age of 15.⁸

Violence within marriage in India is often associated with the practice of dowry although it is by no means the only cause of violence. Dowry demands can escalate into harassment, threats, and abuse; in extreme cases the woman is killed or driven to suicide, freeing the husband to pursue another marriage and dowry. According to the 1999 Annual Report of the Rajasthan Police, dowry deaths increased by 24.43% between 1997-1999. The ICRW-INLCEN study found that 12% of women reporting violence cited dowry harassment as the cause of violence.⁹

Societies often justify domestic violence and 'acceptable' amounts of aggression based on the gender division of labour. In a research study conducted in rural Gujarat, for example, it was found that the common causes of DV were related to the wife's inability to perform household chores (*Graph 1*)¹⁰

Graph 1: Distribution of Reported Reasons for Violence Against Women



DV is also referred to as a 'silent crime' because of woman's inability to speak about the violence inflicted on them due to shame, fear of further abuse on themselves or their children and lack of options. Thus DV is frequently ignored, trivialized or denied by the family, community, judicial system (police, prosecutors and by judges) and women (victims) themselves.

Some commonly held beliefs and myths about domestic violence:

- Domestic violence is rare – only some women experience it
- Domestic violence is a private matter – the community should not get involved
- Domestic violence victims must remain silent and maintain family honour
- Domestic violence victims (battered women) do not want to break out of abuse
- Domestic violence abusers are alcoholics and drug addicts

⁷ Domestic Violence in India: A multi-site household survey on domestic violence; ICRW-INLCEN; 2000

⁸ NFHS-2, IIPS, 1998-99

⁹ A multi-site household survey on domestic violence; ICRW-INLCEN; 2000

¹⁰ Visaria Leela 1999, "Violence against Women in India: Evidence from Rural Gujarat" in "Domestic Violence in India: A summary Report of three studies", International Center for Research on Women, Washington, DC; September 1999

These myths and beliefs are influenced by the gender norms prevalent in society. Many cultures hold that men have the right to control their wives' behaviour and condone violence as being necessary to establish men's authority over women, to "discipline" them and to punish them for derelictions of duty. If a man perceives that his wife has somehow failed in her role, stepped beyond the prescribed boundaries, or challenged his rights, then he is justified in reacting violently. In a survey of about 6000 men regarding reproductive health in Uttar Pradesh, 64% of them agreed that wives should always follow their instructions.¹¹ In the same survey, one husband said in a focus-group discussion in Tamil Nadu, India, "If it is a great mistake, then the husband is justified in beating his wife. Why not? A cow will not be obedient without beatings". As a result of conditioning and internalizing gender norms and roles instilled in them since childhood, some women also justify abusive acts committed against them and accept it as a part of their life.

Family honour, lack of support systems (including the natal family) and reluctance on the part of the legal machinery to acknowledge the gravity of the problem, together discourage women from reporting or seeking help for inter-spousal abuse. For example, a study conducted with 109 judges indicated that 48% of them believed that there were certain occasions where slapping a wife by her husband is justified. 34% believed that dowry has an inherent cultural value and 74% believed that the preservation of the family should be the woman's primary concern if she faces violence.¹² The ICRW-INCLIN study also revealed that of the women who did not seek help for DV, 75% did not do so due to the concern for the honour of their husband and family.¹³

Domestic Violence – Legal Measures and Policies:

In South Asia, India has some of the most extensive laws and a large legal machinery to protect the rights of women. The Government of India (GOI) has adopted a number of approaches to address various dimensions of violence against women. There has been a clear shift from viewing women as beneficiaries of development, to equal partners in the development process. The state has been forthcoming in implementing legal reforms and designing programmes aimed at the empowerment of women. However, the implementation of the same is rooted in notions of sanctity of the family.

Domestic violence as a criminal act was recognized only in 1986 in India after strong advocacy by the women's movement. The relevant laws that deal with domestic violence are:

- Section 498A of the Indian Penal Code (IPC) addresses physical and mental cruelty committed by the husband and his relatives. It is a cognisable, non-bailable offence and has been lauded for its deterrent effect. Cruelty is defined to include any conduct that drives a married woman to commit suicide or causes grave danger or injury to her life, limb or health, whether mental or physical. It also includes harassment of the woman to coerce her or her relatives to meet unlawful demands for property or other valuables.
- Section 304B, IPC (1961), was introduced in order to strictly deal with and punish the offence of dowry harassment and death.
- The Dowry Prohibition Act was amended in 1984 and later in 1986, whereby any property, article, gifts etc. given by the girl's parents before, at the time, or after marriage was defined as dowry. The punishment for taking and giving dowry was increased and it was made a cognisable and non-bailable offence. The burden of proof shifted on the accused and made police investigation obligatory with respect to the unnatural death of women.

¹¹ Male reproductive health survey undertaken in Uttar Pradesh (Evaluation Project 1997).

¹² Gender and Judges: A Judicial Point of view; Sakshi 1996

¹³ A multi-site household survey on domestic violence; ICRW-INCLIN; 2000

- Section 174 of the Criminal Procedure Code was amended by the Criminal Law Act, 1983, to provide for investigation by the police of cases of suicide committed by women or death of women occurring in suspicious circumstances within 7 years of marriage.
- Sections 113 and 133B were inserted in the Indian Evidence Act. These provisions lay down that if a woman commits suicide within seven years of her marriage due to 'cruelty' by her husband or his relatives, the court may presume that such suicide had been abetted by her husband or by his relatives.

In addition, the women's movement pressed on the government to set up anti dowry cells and mobile police squads in Delhi and other cities. The link with dowry, the evidence required for physical cruelty (bruises, injuries etc.), lack of a support system and apathy of the law enforcement machinery towards victims of domestic violence prove to be barriers in accessing justice by women. Women pressing criminal charges and seeking maintenance or custody (handled by the family court) find themselves pursuing two different kinds of litigation, which often dissuades them from seeking legal redress.

The government has also instituted a number of support services for women facing violence. The Central Social Welfare Board in 1984-85 supported the setting up of counselling cells mandated to "provide counselling services to prevent the break up of the family".¹⁴ The National Commission for Women (NCW) was set up in 1992. Its mandate is to examine legal safe guards provided by the constitution and other laws and recommend measures for its effective implementation. State commissions for women have also been set up in most states of India and are modeled along the lines of the NCW at the Centre. Parivarik Mahila Lok Adalats (women's courts) have been one of the innovative steps taken by the NCW, wherein speedy trials are held and pending cases of maintenance, custody, divorce etc are settled through a special people's court. The government has also established All Women's Police Stations (AWPS) to make police services more accessible to women as well as legal aid cells to provide free legal aid. Family courts have been set up in several states to look into matters related to divorce, custody of children and maintenance. Lok adalat's (people's courts) are also held from time to time to dispose cases fast and prevent heavy costs of litigation. In addition, the Government has initiated gender sensitization programmes for various departments, including the law enforcement machinery and the judiciary.

Following the Fourth UN World Conference on Women in Beijing in 1995, the Government of India promised several measures to ensure the advancement of women's rights in India. The National Policy on Empowerment of Women was adopted in 2001 and seeks to review discriminatory laws and establish an effective machinery to monitor the delivery of justice to women, such as District Committees to expedite cases of atrocities against women.

Following pressure from women's groups and activists, the GOI introduced a Bill on domestic violence in the Lok Sabha, (Bill No. 133 of 2001), titled 'Protection From Domestic Violence Bill 2001'. The proposed legislation on domestic violence itself is viewed as a positive step towards recognizing the issue and securing greater rights for women. However, the Bill has invited criticism from some amongst the women's movement and legal fraternity. Some of the reservations are:

- The Bill does not contain a comprehensive definition of domestic violence. It defines domestic violence as a conduct whereby the abuser "habitually assaults" the person aggrieved or makes her life 'miserable' by his conduct.
- The Bill exempts acts of domestic violence committed in defense of self or property.
- The right of shared residence to the victim is not considered within the purview of the Bill.

¹⁴ Responses to domestic violence in Karnataka and Gujarat, V.Poonachaand D Pandey, WSRC, SNTD1999.

- Though not in keeping with widely accepted principles of counseling, the Bill provides for the woman to undergo mandatory counselling with the abuser.

The Bill was referred to the Standing Committee for the Ministry of Human Resource Development, GOI, and several women's groups have formally presented their concerns about the Bill to the Standing Committee.

Response of the women's movement and the voluntary sector

The 80s witnessed an increase in the number of women's organizations that were formed largely through campaigns against dowry and rape. The main thrust of the women's movement was strategizing for legal reforms through public mobilisation and protests. Legal reforms and support services instituted by the government were a result of protests and pressure by women's groups and civil society. Death of young married women within the family was being treated as "accidental" or recorded as "suicides". It was the women's movement that drew the link between demands for dowry and the deaths, demanding a re-categorization of the death as "murder" and not "suicide".

Women's groups and NGO's have instituted a number of support services for victims of domestic violence, such as women-centered counseling centers, model shelter homes, legal aid centers and income generation programmes. One of the most significant contributions of the women's movement and women's groups has been the use of creative measures to mobilise social opinion on the issue of VAW. Through a range of approaches such as public rallies, dharnas (sit-outs), campaigns and demonstrations, the women's movement has sought to convert VAW into an issue effecting the local community rather than only individual women. Several organisations working with women have been engaged in educating the public about gender based violence through campaigns and sustained training and sensitisation in schools, colleges and by forming youth collectives. At the community level, working with young men and boys is now recognised as an important area of intervention to make sustained change. Thus diverse groups such as MAVA (Men Against Violence Against Women) in Mumbai, MASUM in Poona, RUWSEC in Tamil Nadu, and IFSHA in Delhi are working with boys and young men to sensitise them to VAWG.

Today, in several parts of the country, collectives are addressing cases of violence by effecting community resolution, pressurising the administration and following up cases in courts. At the same time, an innovative development at the field level has been the emergence of community-level responses to VAW initiated and sustained by grassroots collectives. For example, Mahila Panchayats have been started by certain groups like Action India in urban slums of New Delhi to ensure speedy justice for women within their own communities. Mahila Panch and Nari Adalats of the Mahila Samakhya programme are federations of rural women's collectives that meet at a designated time and place to arbitrate on cases of VAW. In West Bengal, the traditional *shalishe*^{*} is now used to address cases of VAW. These interventions utilise community pressure and informal social control mechanisms to punish the perpetrator and restore women's rights within the family. Interventions to provide counseling services, information and guidance directly or through help lines have also mushroomed all over the country, though the quality and outreach of these services is uneven. Greater efforts to build public awareness on violence have taken the shape of public hearings of women survivors of violence. Many of the efforts by NGOs, women's groups and civil society are showcased in the concluding pages of the country paper.

Since the mid 90s, women's organizations have been agitating for a civil law on domestic violence as criminalisation is not the sole answer to the problems faced by women in their homes. Sending the husband to

^{*} (a method of dispute resolution in West Bengal, involving mediation and arbitration)

jail might not solve problems such as maintenance and a safe shelter for the woman and her children. The recently tabled Bill is a direct result of active lobbying by the woman's movement in India.

II. Pre-Birth Elimination of Females (PBEF):

Pre-Birth Elimination of Females (PBEF) is one of the worst forms of violence that takes place within the family. It is a threat to the survival of infant girls and is a manifestation of the culture of 'son preference' in the community. Medical technology has made it possible to determine the sex of the unborn child, enabling families to decide whether or not to let a girl child be born. Families endorse it, medical practitioners promote it and laws are not strict enough to curb it.

There is very little formal data on PBEF, although several micro-level studies indicate very disturbing trends. The wide prevalence of PBEF gained public attention through the alarming findings of the 2001 census survey. The all-India female sex ratio in the category of 0-6 years has fallen by 18 points in 2001, with Gujarat, Maharashtra, Punjab and Haryana registering a fall of over 50 points. The sex ratio was found to be particularly worse in certain states, for example Chandigarh (773/1000), Delhi (821/1000), and Punjab (874/1000), than the national average. According to health experts, these are some of the lowest in the world – and much of the explanation for these figures lies in PBEF.

In a study undertaken by UNFPA, it was found that Punjab and Haryana led in sex-selective abortions. The number of sex-selective abortions in Haryana rose to 69,000 from 62,000, and in Punjab, from 51,000 to 57,000, in the last six years¹⁵. The Indian Medical Association estimates that not less than five million female foetuses are being aborted or killed at birth annually.¹⁶ The KEM Hospital Research Center, Mumbai, also carried out a community-based study of induced abortions between 1996 and 1998 in 139 villages from three districts of western Maharashtra. Out of the 1,409 women who acknowledged induced abortion, 252 of them reported that the main reason for the abortion was to avert the birth of a girl child. This accounts for 17.6% of all identified abortions among married women.¹⁷ A study of 8,000 abortions performed after amniocentesis tests to determine the sex of the foetus in the state of Maharashtra showed that all but one of the foetuses were female.¹⁸ Activists recognise the problem of sex selective tests and induced abortions as all pervasive irrespective of caste, class, creed and religion, posing a grave threat to life itself.

The most dramatic fall in the child sex ratio has taken place in the states that are economically well off and where clinics with techniques for sex determination and sex-selective abortions have been in existence for at least two decades. There is a visible proliferation of ultrasound clinics in rural areas of Uttar Pradesh, Rajasthan, Bihar and Haryana. The clientele of these clinics includes women from educated and well-off backgrounds.¹⁹ Such clinics have mushroomed all over India. Amniocentesis was the first medical technology that was widely misused for abortion purposes. However, now clinics provide ultrasound scanning as a simpler, cheaper and more popular alternative both in rural and urban areas. A number of the internet sites advocate sex selective abortions as painless and a cheap option. Besides this, much more advanced technologies feed the 'need for a son.' The latest technique, "selective conception", aims to give the couple a choice of sex selection. The X-Y sperm separation and the pre-implantation genetic diagnosis are done as early as three days after fertilization. However, these techniques are less common as they are relatively expensive and inaccessible.

¹⁵ As cited in The Hindu: Online edition of India's National Newspaper; Friday, October 19, 2001

¹⁶ Federation of Obstetric and Gynecological Societies of India (FOGSI)- Federation of Gynecology and Obstetrics (FIGO) brochure

¹⁷ Sex-Selective Abortion: Evidence from a community-based study in Western India; Bela Ganatra, Siddhi Hirve and V.N Rao; Asia Pacific Population Journal, June 2001

¹⁸ Crime Against Women: Bondage and beyond: Revelations of Data; Center for Women's Development Studies (CWDS), 2002

¹⁹ Women in India: How Free? How Equal?: Kalyani Menon-Sen & AK Shiva Kumar; United Nation (UN); 2001

Some commonly held beliefs and myths leading to the Pre-Birth Elimination of Females (PBEF):

- Son is gold, daughter means worry (*Munda sona, kudi ehinta* – a Punjabi phrase)
- A fool loses his male child and the fortunate one loses a girl child (*Ladka marey kambakth ka; Ladki marey bhaagwaan ki* – a Hindi phrase)

The social context of sex-selective abortions includes a tremendous pressure to produce sons. Fear of the failure to bear a son and its consequences (e.g. abandonment) impact women's decisions around the use of contraception and frequent recourse to abortions. Additionally, a reason cited by women for sex-selective abortions is to not bring a daughter into the discriminatory environment they themselves face.²⁰ The elders or the husband may pressurise the woman for a sex determination test within the family or women themselves may decide on a sex selective abortion as a response to intense pressure to produce male heirs and threats of the husband's remarriage.

Pre-Birth Elimination of Females (PBEF) – Legal Measures and Policies

The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act - PNDT - was passed in 1994 as a result of a sustained campaign by women's groups. This act banned the practice of using ultrasound scans with a view to identifying the sex of the foetus. It also makes registration of ultrasound units mandatory. However, convictions under the PNDT Act have been very low.²¹

The implementation of the PNDT Act remained poor till the interim judgment was delivered by the Supreme Court on 4 May 2001, and since August 2001 hearings have taken place almost every month. The Supreme Court sought responses from the Central and State Governments within four weeks and subsequently ordered them to implement the PNDT Act, 1994. It set a timeline for taking action and, in a rare order in 2001, summoned health secretaries of 11 states in India for non-satisfactory compliance of its orders. It also declared that all ultrasound clinics be registered and those resorting to illegal sex-determinations be prosecuted. Following the Court's directives, State Governments have raised awareness on this issue, and the media has been prominently covering Court proceedings and follow-up. To ensure that all ultrasound machines are registered, the Court asked the manufacturers of the machines to provide information on customers to whom they sold machines to over the last five years. Over 11,000 names have been provided by different companies as of mid-February 2002. Appropriate authorities and advisory committees under the Act have been constituted in 21 states and six union territories. A central supervisory board has also been instituted.

The PNDT Act was amended in early 2003 to expand the ban on sex-determination tests and includes, within its ambit, pre-conception sex selection techniques. The original law targeted only post-conception medical techniques like sonography and amniocentesis, but since preconception was not covered by any legislation, several clinics were openly offering sex selection services. The Amendment Bill 2003 makes the use of techniques like pre-implantation genetic diagnosis — which allows doctors to detect an embryo's genetic disorders but also identify its sex — illegal if used for sex selection. Such techniques are used along with invitro fertilisation (IVF), in which the embryo is created in a dish before being implanted in the womb.

The amended Act asks the state authorities to create public awareness about the pre-conception techniques. It also provides for the possibility of further amendments which may be needed to deal with changes in technology

²⁰ Applying a Human Rights Framework to the Provision of Abortion Care and Related Reproductive Health Services in India; Vandana Tripathi, Department of Maternal and Child Health; *Carolina Papers in International Health and Development*, 1998; Vol. 5, No. 1

²¹ http://www.panos.org.uk/news/September2001/India_census.htm

and social conditions. It makes it compulsory for any lab or clinic which has techniques that could be used for sex selection to be registered, increases the punishment for those found violating the law and outlines the necessary state machinery needed for implementing it. State monitoring authorities, for example, will now have to include non-government members such as women activists and doctors.

Responses by the voluntary sector

The Forum Against Sex Determination led the Maharashtra campaign in the mid-1980s, which first called public attention to the problem of PBEF. As a result, Maharashtra was the first state to enact the Maharashtra Regulation of the Use of Prenatal Diagnostic Techniques Act, 1987, and banned prenatal sex selection.

In February 2000, Dr. Sabu George filed a public interest litigation in the Supreme Court of India along with two non-governmental organisations, CEHAT in Mumbai and MASUM in Pune, against the Union of India and all State Governments for non-implementation of the PNDT (1994). The petition also prays for the inclusion of techniques of pre-conception sex selection in the ambit of the Act. As a result of protests by activists and NGO's, the Supreme Court passed the directives and initiated strict implementation of the act.

Organizations in various parts of the country are raising awareness on the directives of the Supreme Court and ensuring strict action for those who disobey the same. A Delhi based NGO, Datamation, has launched a website dedicated to the cause of female feticide and has a provision for lodging complaints. This site collects the names of law breaking institutions and individuals and hands the information over to the concerned authorities. However, campaigns against female feticide will be effective only if civil society organisations, doctors and government officials work together to curtail the promotion of sex determination.

III. Sexual Violence:

Sexual violence is a violation of the basic human right "to live with sexual dignity and without fear" violence can take a number of forms: eve teasing, molestation, rape – within or outside marriage, sexual harassment in the work place and child sexual abuse. Sexual violence against women and young girls can happen anywhere – on the streets, at home, in public or private places - by strangers or by members of the family. Sexual violence, either a one-time assault or protracted abuse, damages concepts of sexual intimacy, trust and a sense of the overall well-being of women.

Sexual Violence against Women - Sexual assault, Rape and Sexual Harassment

Sexual assault includes all forms of non-consensual contact with a sexual purpose ranging from eve teasing to molestation to rape. It may include touching or fondling and all forms of penetration (penile/vaginal, penile/oral, penile/anal, finger/vaginal, finger/anal, object/anal and object/vaginal).²³ According to police records (2001-2002), Mumbai has seen 306 cases of eve teasing, 243 cases of molestation and 299 cases of rape. 57% of the victims were less than 16 years of age. Delhi records the highest number of rape cases among the metros: 447 in 2000, 380 in 2001, and 299 till July 2002. A study done by the Institute of Development and Communication found that for every reported case, as many as 68 cases went unreported, while for every FIR filed on molestation, 372 remained unreported.²⁴ The study also indicates that most sexual assault cases occur at home and the largest percentage of these occur at the victim's home during the daytime. A study of judgments by the Supreme

²² Myths and facts – sexual assault; Sakshi, 2001

²³ Source: www.ifsha.org (website of a Delhi-based NGO)

²⁴ Source: The Times of India, October 25, 2002 and India Today October 9, 2002

and High Courts on rape cases in India between 1950-1990 revealed that 54% of the rape cases researched took place between 6 a.m. and 7 p.m.²⁵

Marital rape, though not widely accepted as a crime by communities and law in India, is also experienced by a number of women within the four walls of the home. In Uttar Pradesh, about two-thirds of 98 respondents reported being forced into sex by their husbands — about one-third of them by beatings.²⁶ In the ICRW-INCLIN household study, 15% of women reported forced sex in the past 12 months. Out of 967 men interviewed from three states – Punjab (250), Rajasthan (485) and Tamil Nadu (232) – 50% reported engaging in sexual violence in the past 12 months and of these a majority reported a frequency of more than 10 times.²⁷

Another common form of sexual violence against woman is **Sexual Harassment in the Workplace**. In the words of the Supreme Court (SC) of India, sexual harassment constitutes a serious violation of women's fundamental rights to freedom and equality at the workplace. In 1997, the SC issued guidelines against sexual harassment for both the public and the private sector. Sexual harassment, as defined by the Supreme Court order, is any unwelcome physical contact and advances, demand or request for sexual favours, sexually coloured remarks, display of pornography and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature. The CWDS study shows a relatively low proportion of sexual harassment cases in the work place – 5% of the total CAW rates²⁸.

There could be two reasons for this low proportion. First, there is no law on sexual harassment in the workplace and the guidelines addressing this issue were endorsed by the Supreme Court fairly recently (August 13, 1997). A survey conducted by the National Commission for Women (NCW) in July 1998, covering over 1200 women in both the organized and the unorganized sectors, found that nearly 50% had experienced gender discrimination or physical and mental harassment at work. Yet, 85% of them had never heard of the Supreme Court ruling. Only 11% of them were aware that they could seek legal redress in cases of sexual harassment, and that sexual harassment was an offense punishable by law. This survey also found that women in the unorganized sector are more vulnerable to sexual harassment than women in the organized sector.²⁹ Secondly, as in other forms of violence, shame, fear and ever threatening consequences at work and its impact on career options also force women to resort to silence. In a study, 97% of the judges surveyed believed that women feared reporting sexual assaults.³⁰

The incredible apathy towards women who are victims of sexual violence discourages reporting and redress. The wider context of shame and silence also encourages and perpetuates these crimes. Sexual assault, like any other form of violence against women, is shrouded by myths and stereotypes. The most devastating effect of these myths is the shift in responsibility for the assault from the assailant to the survivor. It is equally easy for a family to suffer tremendous guilt (for not being able to prevent the crime) and shame (for the stigma and embarrassment faced by the victim and her family).

²⁵ Source: Myths and facts – sexual assault; Sakshi, 2001

²⁶ Ending Violence Against Women, Population Reports, Series L, No.11

²⁷ Domestic Violence in India: Exploring Strategies, Promoting Dialogue; Men, Masculinity and Domestic Violence in India; A summary Report of four studies; 2000

²⁸ Crime Against Women: Bondage and beyond: Revelations of Data; Center for Women's Development Studies (CWDS), 2002

²⁹ Source: National Commission for Women (NCW); 1998

³⁰ Gender and Judges – A judicial point of view; Sakshi, 1996

Some myths associated with sexual violence against women

- Sexual violence only affects a small number of women
- Women make sexual assault allegations out of spite to take revenge
- Women invite sexual assaults by the way they dress and behave
- Women mean “yes” when they say “No”
- Husbands cannot sexually assault their wives
- Women are being spiteful and revengeful towards their employers when they make allegations of sexual harassment in the work place

A study conducted by Sakshi on the judgments by the Supreme and High Courts on rape cases in India between 1950-1990 also brought forth that in almost all cases, women were dressed in traditional clothes. Exposing these myths is the first step in changing people's attitude towards sexual assault.

Child Sexual Abuse:

Child sexual abuse (CSA), like other forms of violence against women, can happen to any child, anywhere - often through adults known to the child. It is a common phenomenon. CSA refers to any sexual act that occurs between an adult or an immediate family member and a child, and any nonconsensual sexual contact between a child and a peer. Child sexual abuse is the physical or mental violation of a child with sexual intent, usually by an older person, and includes:³¹

- An adult exposing his/her genitals to a child or persuading the child to do the same
- An adult touching a child's genitals or making the child touch the adult's genitals
- An adult involving a child in pornography - includes exposing a child to pornographic material
- An adult having oral, vaginal, or anal intercourse with a child
- Any sexual suggestions, verbal or others, made to a child by an adult
- An adult persuading/coercing a child to engage in sexual activity

Child rapes (rape of a girl under 16 years of age according to Section 375 of the Indian Penal Code) in India increased by over 30% between 1992 and 1996. The Crime in India 1997 report shows that “of all victims of rape cases in 1997, children alone accounted 28.8%.”³² A study (1998-1999) conducted by IFSHA, a Delhi Based NGO, in some schools in Delhi revealed that 60% of 13-15 year old girls had been sexually abused. In 1994, 83% of 348 girls in a study by Samvada, a Bangalore based NGO, experienced some form of CSA.³³ In 1998, of 600 women interviewed from five cities by RAHI, a Delhi based NGO, 76% were sexually abused in childhood.³⁴ A study of judgments by the Supreme and High Courts on rape in India between 1950-1990 revealed that an overwhelming 70.75% of the complainants were from minors.³⁵

Although both girls and boys can be victims of sexual abuse, most studies report that the prevalence of abuse among girls is at least 1.5 to 3 times that among boys.³⁶ The silence around the issue of child sexual abuse, lack

³¹ Child Sexual Abuse – Beyond fear, secrecy and shame; Sakshi 1994

³² Source: National Crime Records Bureau, 1999

³³ Preliminary report of the workshop series and survey on childhood sexual abuse of girls; Anita Ganesh; Samvada, Bangalore: 1994

³⁴ Voices from the Silent Zone; Rahi; 1998

³⁵ Source: Myths and facts – sexual assault; Sakshi, 2001

³⁶ Ending Violence Against Women, Population Reports, Series L, No.11

of education on sexuality and the body, and a notion of shame and stigma around abuse makes girls vulnerable to sexual abuse. The abuser is usually a close and trusted relative, friend, neighbour or even servant. Out of 348 school girls who were surveyed by Samvada, the abusers were known to the child in 75% of the cases. The break up of the profile of abusers in the study by RAHI also revealed that 46% of the victims knew their abusers. A disturbing trend is the belief that having sex with a virgin can cure venereal disease likely to result in the increasing rape of young girls. In a reported case of child sexual abuse by a 22-year-old police constable, he admitted raping the girl with the belief that sex with a virgin will cure him of AIDS.³⁸

Several women's groups have highlighted the fact that sexual violence against children is one of the most unreported crimes in India. It was estimated that for every reported crime against children, there are 100 that are not reported.³⁹ The police describes CSA as an invisible crime, part of a denied social syndrome in which they can do nothing for want of evidence. The list of child abuse cases, which result in acquittal, is a long and never-ending one.

Some myths and misconceptions on child sexual abuse:

- Children are rarely abused
- Children should not be allowed to play outside as molestation and sexual assaults generally occur on playgrounds or other public places
- Generally abusers are strangers or servants, drivers, domestic helpers
- Child sexual abuse does not happen in Indian families
- Children should not be educated about child sexual abuse as they might use it as an excuse for blaming adults they do not like

These myths reflect the denial and disbelief of people with regard to child sexual abuse and puts the onus of abuse on the abused rather than the abuser. When children who disclose abuse are believed and supported, the consequences are often less severe than when disclosure is met with disbelief, blame, or rejection.

Sexual Violence – Legal Measures and policies

Existing laws and policies to address sexual violence against women and girls are unable to tackle the problem effectively. One of the most significant factors responsible for this is the low conviction rate in cases of rape. Other lacunae include protracted trials, delays in investigation, and inflexible evidence laws. Women and their families fear reporting these crimes due to shame and stigma associated with sexual assault.

Existing laws:

Section 375 of the IPC defines the offence of rape as sexual intercourse against the will or consent of a woman (punishable up to seven years and life imprisonment). Penetration is explained as "sufficient to constitute sexual intercourse". This has long been criticised for being too narrow a definition of rape. The definition of rape excludes all forms of sexual assault other than penetrative intercourse. The age of consent is defined as sixteen years, contradicting the definition of an adult woman as one above eighteen years of age. **Section 354 of the IPC** provides for punishment for "assault or criminal force to a woman with the intent to outrage her modesty", a wide-ranging provision which is commonly used in incidents of violence not amounting to rape (defined as penetration) but which invites a far lesser punishment of imprisonment of up to two years. Sections 294 and 509

³⁸ Manchanda, R. 1994; "Shame!" The Hindustan Times (New Delhi), 21 August, pg. 5

³⁹ Violence Against Women and Girls in India; Kirti Singh; 1998

of the IPC also deal with offences of sexual harassment against women such as obscene acts, song gestures or acts 'intended to outrage the modesty of women'. Marital rape is not considered an offense unless the wife is less than twelve years (Section 376 IPC), even though marriage with a minor is itself a crime. It is recognized as a legal offence only if the wife is legally separated from the husband.

The **Supreme Court Guidelines on Sexual Harassment**, ratified in August 1997, have drawn on CEDAW, especially recommendation 19. This order makes employers and institutions responsible for implementing both preventive and remedial measures to make the workplace safe for women and have made mandatory for every organization the set up of mechanisms for the prevention and redressal of such cases, however very few organizations are implementing it. Despite urging the state to promptly enact the law and set in place the mechanisms for redress, apart from issuing circulars among some of the government departments in a few states, no steps have been taken to concretize the mechanisms as per the court guidelines.⁴⁰

Child Sexual Abuse is not recognized as a separate crime in India. The cases of sexual offences against children are adjudicated as rape (Section 375 IPC) or molestation (354 IPC). This is the biggest hurdle in the access to justice in child sexual abuse cases. There is no definition of child sexual abuse and children are 'tried' in courts like any adult victims (under the same provisions) of sexual abuse. They go through a battery of humiliating and mentally devastating experiences over and again due to judicial procedures and delays.

A debate is also on regarding some of the suggestions made by Parliamentarians to institute capital punishment for rapists. Most women's groups have opposed this based on the argument that it is certainty of conviction rather than severity of punishment that is needed. A death penalty, according to groups opposing it, would reduce chances of conviction and threaten the life of the victim as the rapist may kill her so that there is no evidence. In order to ensure justice, a sensitive and responsive political, legal and social system is required that assures women that the cases will be registered, followed up, and that convictions will happen effectively, without delays.

Responses of the women's movement and the voluntary sector

In 1983, laws related to rape were amended due to the rising voice of women's organizations on the issue of violence against women. Women organizations protested the judgments in several cases of rape and sexual assault and atrocities by the law enforcement machinery, particularly by the police and others in authority. The Mathura rape case, 1979 (and others like the rape of Rameeza Bee, 1978, in Hyderabad by four policemen) became important rallying points for women's groups to demand reforms in the rape law. In the Mathura rape case the Supreme Court acquitted two policemen who were alleged to have raped Mathura in the police station. The grounds for acquittal were that she had not raised an alarm and that she was a woman of questionable character. Following an open letter to the Chief Justice of India by four law professors, public protests, street demonstrations and petitions were organised in different parts of the country and a great deal of opinion mobilised on the need to amend laws on rape. The agitation compelled the government to amend the rape law to introduce the concept of custodial rape which carried on its head a mandatory minimum punishment of 10 years. This meant that if the woman was raped when she is in custody of an official holding public office, the burden of proving consent would be on the accused. The change in law also provided for "in camera trials" and presumption of absence of consent in the prosecution of gang rape and rape of pregnant women.

As in the case of rape laws, the legislation on sexual harassment in the workplace is also a result of campaigning

⁴⁰ Initial Alternative NGO Report on CEDAW (India), January 2000; Co-ordinated by The National Alliance of Women (NAWO)

by women's organizations. In Bhateri village, Rajasthan, a worker under the Government's Women's Development Programme was gang raped in trying to stop a child marriage in the upper caste household. A petition was filed in the Supreme Court by women's organisations and guidelines on sexual harassment in the work place were ratified.

Due to the efforts of NGOs, sexual abuse of children as an area of intervention has gained prominence in the last decade. A number of organizations have been formed to address the needs of survivors of child sexual abuse. Activists have been working to institute legal measures, which address child sexual abuse as a separate crime, by adopting a multi-pronged approach. They are lobbying with the law enforcement machinery and state administration to press for action on cases of VAWG, advocating for legislative reforms and also engaging with the wider community to challenge norms around VAWG.

Key factors to be considered about various forms of violence against women:

- Crimes against women in each category are rising over the years.
- Much crime against women goes unreported.
- There is a dearth of data and statistics on crimes against women. It is vital that the research and quantitative analysis of crimes against women continues in a systematic manner in its many dimensions, at the central, regional, state, district and even block level.
- Discriminatory community norms and gender stereotypes lead to structural inequity between men and women and put women at risk of several forms of violence. Changing community norms and empowering women is essential to ending VAWG.
- The laws relating to violence themselves constitute the greatest barrier against justice for women. This is aggravated by judicial responses towards the victims and acts of violence, which are influenced by patriarchal norms of society that condone violence against women.
- Attempts by women to seek justice through the criminal justice system are regularly forestalled. Although legislation exists, measures to ensure its full implementation including legal literacy, training officials responsible for administering the legislation, providing legal support services to enable beneficiaries to invoke legislation, monitoring implementation and enacting laws based on ground realities, have not happened sufficiently.

Violence Against women: Consequences and Implications

Violence against women has serious social, economic and health consequences. It not only affects women as individuals, but also their families including children, their entire communities, economic conditions and overall development. The National Population Policy of India, 2000, recognises violence against women as a deterrent to their ability to make decisions around child bearing and use of spacing methods.

Violence – A Public Health Issue:

Violence against women is a complex public health problem. It affects women's physical and mental health, their sexual and reproductive health, self-esteem, and ability to work and to make decisions about their fertility. Violence can have far reaching mental health consequences including post traumatic stress disorders, suicidal ideations, depression, anxiety, multiple personality disorders and sexual dysfunctions (such as frigidity and phobia about sex).

The World Bank Development Report gave an estimate of 9.5 million Disability Adjusted Life Years (DALYS) lost i.e. loss of productive life, world-wide due to rape and domestic violence.⁴¹ In a study of medico legal cases⁴², women in the age group of 18-30 years reported the most incidences of violence, and women with chronic illnesses, such as TB and gynecological morbidity, were found to report a higher level of domestic violence.

There are a number of organizations working on the health impact of violence against women. CEHAT, an NGO in Mumbai, is running a hospital-based counseling center catering to the mental health needs of women and children facing abuse as well as training medical staff to cater to these needs. Similarly, Stree Adhar Kendra in Pune is another organization analysing the impact of violence in India in relation to patriarchal structures and power issues from a health perspective.⁴³

Violence - An Economic Issue:

Violence against women can have a serious impact on the economy within the household as well as the nation. There is very little data internationally, as well as regionally, on the economic impact of violence. However, it has been postulated that violence leads to decreased efficiency and productivity. The health costs of domestic violence impact both the public exchequer as well as household incomes. The Institute for Women's Policy Research made a pioneering attempt in 1996 to indicate how to map out direct and indirect societal costs of domestic violence. Some examples include:⁴⁴

- Direct costs: loss of income and productivity, health care and housing costs, and costs of social services.
- Indirect cost: impact on child's well being, female and child mortality, inter-generational social and psychological costs.

In 2000, the International Centre for Research on Women, along with the International Clinical Epidemiologists Network (INCLIN) undertook a household level study on the prevalence of domestic violence (inter-spousal abuse). At one of the sites, additional data was collected on loss of workdays and cost of health care. This was computed in rupee terms to arrive at the economic implications of domestic violence to the household economy. This was a very small-scale study but illustrated that domestic violence can push economically fragile households into an economic crisis. It was found that on an average for every incident causing injuries due to domestic violence, women lost 6.88 days of paid work and 6.87 days of household work. Furthermore, their husbands missed work for an average of 9.84 days and/or left home for 7.58 days after a violent incident. The average cost of a violent incident resulting in injury was Rs. 984 in lost wages. It rose to Rs. 2000 if health costs were included. This study also pointed that the economic impact extends to the natal family and the impact of violence on the household economy is long term.⁴⁵

Violence – A Development Issue:

It is being increasingly recognised that violence against women is a serious development concern. There are three identifiable approaches to violence as a development issue (Burton, Duvvury and Varia)⁴⁶:

⁴¹ Source: World Bank 1993

⁴² Study by Dr. Surinder Jaiswal, Tata Institute of Social Sciences; As cited in Impact of Gender Based Violence on The Health Of Women; 2002

⁴³ Impact of Gender Based Violence on the Health of women, 2002; Center for Research in Development and Change

⁴⁴ As cited in Domestic Violence in India: A summary Report of a Multi-site household Survey, ICRW; May 2000

⁴⁵ Domestic Violence in India: A summary Report of a Multi-site household Survey, ICRW; May 2000

⁴⁶ Justice, Change, and Human rights: International Research and Responses to Domestic Violence; Barbara Burton, Nata Duvvury, Nisha Varia; ICRW

- a) **Violence costs development** The economic consequences of violence means greater spending on public health services, as the victim would require greater access to health care facilities. Violence against women is an obstacle to the alleviation of poverty as it impedes equitable distribution of resources. It also results in high direct costs for law enforcement and judicial systems, as expansion of facilities is required and litigation cost is quite high.
- b) **Violence obstructs participation** As women's participation in development programs and planning is a central objective, this is a significant concern relevant to both research and intervention activities.
- c) **Violence contradicts the goals of development** The very fact that violence against women exists and is rising over the years contradicts the goals of development. Violence prevents women from accessing or experiencing the benefits of development by restricting their ability to move or act freely.

Some key efforts to end VAWG:

Among the several programs and responses on violence against women initiated by both state and non state sectors, certain interventions stand out as being specially innovative and effective. These can be quoted as examples of best practices as they are characterized by efforts at being culturally specific, easily accessible, committed to providing a range of high quality services, are sustainable and multi-sectoral.

I. Alternate forums for resolving cases of VAW: The voluntary sector has been mobilising women's collectives on a number of issues, including violence. An innovative development has been the emergence of structured community level responses to VAW initiated and sustained by grassroots collectives in some parts of the country that aim to make one woman's personal complaint into a community-wide concern. These complaints undertake arbitration with community participation on cases of violence, such that mutually agreeable but progressive solutions in favour of the women are sanctioned and validated by the community. Some examples:

Nari Adalat and *Mahila Panch* are federations of women's collectives that meet at a designated time and place to arbitrate on cases of VAW. Face-to-face meetings of the two sides involved, along with family members, relatives and other key community people ensure that a mutually agreeable decision is reached, to which there is public sanction. These interventions utilise community pressure and informal social control mechanisms to punish the perpetrator and restore women's rights within the family. They have redefined the content and process of justice dispensation.

Sahara Sangh, or support groups, are functioning in the Tehri-Garhwal district of Uttaranchal. The Sahara Sangh is a federation of women's collectives and is akin to a think tank that strategises on cases of VAW, plans village-level action and also pressurises the administration as well as the community to take appropriate action against the perpetrator. It also aims to restore the due rights of the woman within the family and community. They are completely outside the formal legal system and have evolved spontaneously out of the collectives formed under the **Mahila Samakhya** programme in select districts of UP and Gujarat. These forums handle cases of domestic violence, rape, child sexual abuse, and harassment. *Shalishi* is a traditional system of dispute resolution prevalent particularly in West Bengal. *Shramajibee Mahila Samity (SMS)*, a mass-based women's organisation, is utilising the shalishi as a mechanism to resolve cases of domestic violence. The shalishes run by the SMS are women-centred and based on principles of democracy, transparency and community involvement.

These innovations have to be ever vigilant of being co-opted by community values since they have to tread a fine balance between being acceptable to the community and challenging its norms. The sustainability of such

forums, especially in the context of time bound projects, funding support, and recognition by the law is a challenge for its members.

II. Advocacy efforts on VAW

Public hearings: Greater efforts to build public awareness on violence have taken the shape of public hearings of women survivors of violence. These seek to break the shame and guilt associated with violence and make a strong public statement on the issue. Through a panel of sensitive jurists, these hearings also issue public judgements and thereby build public opinion around VAW. Documented below is one such example that also illustrates how testimonies can highlight the many manifestations of VAW and expand its definition to include a host of developmental concerns.

Vimochana, a women's group in Bangalore, and the Asian Women's Human Rights Council, organised a public hearing in January 1995 in India, on 'Crimes Against Women Related to the Violence of Development.' The public hearing, with a 2000 strong local, national and international audience, heard women testifying to the violence of a development model that, through its tools of technology and the market, has destroyed and degraded the lives of the poor, the tribal, and other women. Tribal women dispossessed of their lands and communities, women victims of nuclear technology, women victims of dowry, prostitution and female infanticide - all spoke out against the backdrop of powerful visual testimonies. The Public Hearing was followed by a two-day roundtable - Weaving Conversations Across Cultures - that looked deeper into the violence of development by re-examining given truths like the market and liberal democracy that are the cornerstones of the New World Order that has in fact bred the greatest violence of our times. About 100 national and international activists, academicians, and scholars reflected on these issues in the context of their own work

Source: http://www.awhrc.org/html/courts_of_women_heldsofar.htm

Sensitising the mainstream systems: Hospital-based research studies and the burgeoning health movement have established the significant health impact of violence and contributed to the awareness that hospitals are a potential "catchment" area for responding to needs of women facing violence. An innovative health sector response to VAW has been piloted by CEHAT in the form of the Dilaasa Project.

The Dilaasa Project, Mumbai, is a unique project that seeks to assist the Mumbai Municipal Corporation in establishing and running a crisis centre for women survivors of violence within the hospital. It also sensitises hospital staff on gender and violence issues that will facilitate the creation of a conducive environment, conditions for interdepartmental collaboration and networking with other NGOs for running similar crisis centres. The Dilaasa project is a valuable lesson in institutionalising a health sector response, where through continual dialogue, training and sensitisation, capacities of hospital personnel are built to recognise and address VAW as a health issue.

III. Support services for survivors of violence: The last few years has seen a rise in interventions providing counseling services for survivors of abuse, as well as a growing movement to mainstream mental health services into existing counseling services. However, the range and quality of most psycho-social counseling is uneven. The following are a few fledgling interventions that strive to meet both psychological and social needs, and seek to change the discourse and practice on the mental health impact of violence.

Sarthak (New delhi) provides trauma counseling services to survivors of different forms of violence, including rape. A four-stage model of rehabilitation for long term mental health difficulties is followed in Sarthak. The four stages are Energise, Enable, Enhance, Endeavour. The overall rehabilitation plan includes individual counselling aimed at reducing the mental health impact, group activities which may be aimed at recreation, enhancement of psycho-social skills and vocational training, formation of self help groups and sessions with the family, if available. In addition, Sarthak offers pre-marital counselling services and tracking newly weds in their area of work for post marital help.

Nirmaan - A programme on intervention on issues relating to family violence (Goa)

Nirmaan is a project being implemented by Sangath Centre, an organisation in Goa, providing mental health services to victims of violence. Under the project, counselling is provided to women and children who may be victims of family violence. It is conceptualised as a range of interventions directed at the individual and the family. Individual, family and marital therapy and, when needed, play therapy with children, is provided. The project hopes to develop, through its work, innovative family-based methods to counter violence against women. Sangath is also involved in training barefoot counsellors in the communities they work in.

Prajwala - (Hyderabad) Prajwala is an NGO in Hyderabad which offers trauma-counselling services to rescued girls who have been trafficked for commercial sex work. Many girls are raped to "break them" into the flesh trade. The form of counselling offered by Prajwala begins with providing a safe space for catharsis of the trauma, shame and anger experienced by girls. As this is also a medico legal case, the girls are encouraged to report the matter to the law enforcement authorities. Moral support is provided by the counsellors to take up a legal battle against the traffickers. This is seen as a part of the recovery and redressal process. Parallel family counselling is undertaken to create a safe support base for the victim, which is seen as very important in the overall prognosis of the case. Individual and group counselling with victim collectives are used to address guilt, sexuality, anger etc.

Media based interventions: Given below is an example of creative use of the mainstream media by local communities to encourage debate and introspection by a society about itself, its social mores, attitudes and problems on VAW.

Kunjali Paanje Kutchji - (Sarus Crane of our Kutch) - A community radio initiative

This program started its broadcast from All India Radio, Bhuj Station on December 16, 1999, in the sponsored program category as a 30-min weekly serial every Thursday at 8.00 pm. The format consisted of a narration by a program anchor, a serialized drama, songs and an interview module called "Kutch Kochhanto" (or "Kutch Speaks"). One of the objectives of this programme was to generate a debate in Kutchi society on the gender and political participation of women. Some gender-related issues that were raised in the serial are women's leadership and governance, girls' right to education, female foeticide, harassment of brides for dowry, unnatural deaths and suicides of women while with their in-laws, pressure on women to produce boys, maternal mortality and a disregard for mother's health. A large reason for its success was the choice of the program anchor, or sutradhar, as the character of a Sarus Crane - called Kunjal in the local language - who is a much-loved and revered bird in Kutch folklore. The Kunjal is also essentially a feminine image. As a character, she gains easy entry into the world of other women characters as a friend, confidante and counselor. This programme was the result of a partnership between the Kutch Mahila Vikas Sangathan (KMVS), an NGO that produced the programme. It was directed by Drishti Media Collective, a media NGO, and written by Paresh Naik, an Ahmedabad-based writer and filmmaker.

Violence against women: A brief analysis of legal measures

The Indian constitution guarantees the right to equality of opportunity and makes space for positive discrimination in favour of underprivileged categories, including women and girls. However, the translation of these principles into legislation and legal measures has followed a very uneven path. Specific forms of violence such as rape, dowry harassment, dowry murder and spousal abuse have been covered under several criminal laws. However, their implementation and interpretation is governed by a mindset based on patriarchal values. One of the serious lacunae of laws on VAW is that they are not based on women's experience of violence, a striking example being the rape law, which recognises rape only if there has been penile penetration. Other forms of non-penetrative sexual relations such as anal or oral sex are not included in the definition of rape. Field narratives of activists engaged on issues of VAW suggest that sexual abuse of women, especially within marriage, takes many non-penetrative forms. Rape within marriage is another area of contention. Sexual relations with a girl below 16 is defined as rape under the law. However, sexual relations with one's wife, if she is above 15 years of age, is not considered as rape. The contradiction is even more stark given that the legally accepted age of marriage for girls in India is 18 years.

Similarly, the legal system provides succor to women facing spousal abuse only if it amounts to grievous injury and harm, thus overlooking routine or less injurious manifestations of domestic violence. Very often, dowry harassment is forcibly included in cases of physical or psychological abuse to add "weight" to the case. This implies that spousal abuse devoid of dowry harassment is not of much consequence. Such cases are also not able to stand in court because of lack of sufficient evidence. The family is viewed as an inviolable space by the state, and this understanding informs most of its responses. Decriminalisation of VAW by the police also fails to deter further perpetration.

At the same time, certain other forms of violence such as domestic violence, apart from spousal abuse, child sexual abuse and child rape, have not been brought under the ambit of any specific legislation. Part of the reason is the inability to recognise and acknowledge that such violence is endemic and has serious consequences. Child sexual abuse is subsumed under the category of "rape". The investigation and evidence procedures are the same as in the case of adults.

Among the laws pertaining to violence against women and girls, some significant legislations include:

A. The 'Immoral Traffic (Prevention) Act' (ITPA), 1956: The existing law on trafficking of women and children was amended in 1986 and the Act was renamed as the 'Immoral Traffic (Prevention) Act' (ITPA), 1956. The scope of the Act was widened to cover all persons, male and female, who are exploited sexually for commercial purposes. Further, crimes involving children and minors were made more stringent by enhancing the period of imprisonment, along with appointment of Trafficking Police Officers to investigate crimes having inter-state ramifications within the country. The amendment additionally proposed for a medical examination of all persons recovered from a brothel as a result of a search and interrogation of such women and girls only by women police officers, or at least in the presence of women social workers.

B. The Commission of Sati Prevention Act: which was passed in 1987 and which aimed at preventing the practise of sati and any activities that led to its glorification or abetment.

C. The Child Marriage Restraint Act, 1929: prescribes the minimum age of 18 years for girls and 21 years for boys for contracting marriage. A number of states such as Karnataka, Himachal Pradesh, Maharashtra and Gujarat have already amended the Hindu Marriages Act, making registration of Hindu marriages compulsory in these states. Andhra Pradesh passed the Compulsory Registration of Marriage Act, 2002, also to give legal

status to wedlock. The Andhra Pradesh Women's Commission recommended the new law since "in a number of bigamy cases the wives are losing their cases by reason of their failure to prove the first or second marriage of their husbands."⁴⁷

D. The Indecent Representation of Women (Prohibition) Act, 1987: Indecent Representation of Women in the media lead to strong demands for a comprehensive legislation in the 80's. Consequently, the Indecent Representation of women (Prohibition) Act, 1987 was passed. It prohibits lewd depictions of women's bodies through advertisements, mass media or any form of publication. The Act defines "indecent representation of women" to mean "the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating, women, or is likely to deprave, corrupt or injure public morality or morals."⁴⁸

Significant amendments in civil and personal laws:

In recent years, there have also been amendments in the civil as well as personal laws of some communities in matters relating to divorce and maintenance. Particularly noteworthy are:

- a) Amendments to the Indian Divorce Act of 1869 in 2001, which increases the grounds for divorce available to Christian women, to include desertion, adultery, and change of religion and others.
- b) After consistent recommendations as well as vociferous demands of the women's movement, the government has enacted the Code of Criminal Procedure (Amendment) Act, 2001, to raise the amount of maintenance to be paid to a divorced woman and other persons mentioned under section 125 of the Criminal Procedure Code. The ceiling of Rs. 500 has been removed under the amendment, which gives wider discretion to the magistrate to award appropriate maintenance and also sets a time limit of 60 days for the disposal of the maintenance application.
- c) In 2001, the Supreme court passed a much awaited judgement on muslim women's rights to maintenance beyond the period of *iddat* (period of waiting for the divorce). In *Daniel Latif Vs. Union Of India*, the constitutional validity of the Muslim Women's (protection of rights on divorce) Act, 1986, was challenged as also the exclusion of muslim women from the applicability of section 125 Cr. PC, as violative of her fundamental rights. In the above mentioned case, the Supreme Court ruled that muslim husband is liable to make reasonable provisions for the future of the divorced wife which includes her maintenance and extends beyond the period of *iddat* (waiting).

Key policy interventions to end violence against women:

Ending violence against women requires strategies coordinated among many sectors of society and at community and national levels. Various recommendations have been made time and again by women's organizations, policy makers and international bodies. Below are some recommendations for change and action:⁴⁹

Improve systems of collecting crime surveillance data: In order to understand the dynamics and interaction of various factors that contribute to violence against women, it is imperative to strengthen existing official systems of collecting data on VAWG. Improvements in reporting formats, writing of FIR's and systems of collecting evidence is an important and significant area for policy intervention.

⁴⁷ <http://www.ageofconsent.com/comments/childmarriages.htm>

⁴⁸ The Indecent Representation Of Women (Prohibition) Act, 1986 (No. 60 Of 1986)

⁴⁹ Recommendations compiled from various national and international reports on violence against women such as ICRW, Population Report, Amnesty International Report.

Make the reduction of VAWG an integral part of all development initiatives:

and framing policies that impact women's status, the reduction of violence should be included as an important indicator of impact.

Capacity building and extensive training to service providers and law enforcement officials to handle cases of violence against women: Regular gender sensitisation and orientation courses for police personnel and service providers who deal with victims of VAWG should be conducted. Implementation of practices taught during training should be monitored and evaluated. Courts, including magistrates' courts, should identify specialized prosecutors to handle cases of sexual abuse and rape, who should receive additional training in the issues surrounding gender based violence.

Increase budgetary allocations for support services to victims of violence (such as women-friendly short stay homes, counseling centers and shelters): Most of the times women succumb to abuse due to an absence of support systems. The state should make provisions for increasing budgetary allocations to set up short stay homes, shelters and counseling services for women and children facing violence.

Strengthen policies and programmes aimed at improving women's economic status: Lack of economic options forces many women to stay in abusive relationships. Therefore, improving women's access to productive resources, credits, loans and land; recognizing her shared right to the family home and marital property, are critical steps for improving women's status within the family and society.

Ensure male involvement and devise programs for abusers: Male involvement in understanding notions of masculinity and changing patriarchal norms and values has proved to be beneficial. In community awareness programmes, it is seen that willingness to change among men is higher if male community care workers address issues of gender violence. It needs to be understood that 'gender' or gender-based violence is not synonymous with females. It becomes a trap and bondage for men as well since they also get trapped in aggressive norms and expectations of 'masculinity'. In addition, programmes for abusers should be introduced in both the state and the voluntary sector.

Accept violence against women as a grave and life threatening offence and display 'Zero' tolerance towards any form of violence against women and girls: Many acts of violence against women have been trivialized and even denied for a long time. The entire community, including all government and police officials, should publicly condemn violence against women and accept it as a grave offence. Officers found to be condoning it or to be guilty of violence against women in their public and private capacity should be removed immediately from office as a clear message that there will be no tolerance of violence against women. The recommendation of the National Commission for Women that refusal to take action against such officers itself be made a criminal offence should be urgently considered.

One of the most significant strategies to reduce VAWG is to address and challenge those community norms that endorse the subordination of women and girls. The state has a very significant role in setting and changing these community norms through adequate legislation and policy making.

Appendix -I :Organization working on Violence Against Women and Girls in India

1. Abhay Ashram is an association for social health in Bangalore. They provide a home for destitute and battered women. They attempt to prevent selling of women for prostitution. Additionally, they provide job training, placement, counseling and legal advice to women. Address: 4th Cross Wilson Garden, Bangalore-560027, India, Email: anitak@casa.colorado.edu; Tel: 91-80-22202834
2. Central Social Welfare Board India (CSWB) is a government organization focussing on domestic violence. It provides training, education, counseling and legal aid to victims of domestic violence. Address: B-12 Tara Crescent, Qutab Institutional Area, New Delhi; Tel: 91-11-6865474; Fax-91-11-6960057; Contact: Ms. Smita Nagaraj
3. Forum Against Oppression of Women is a campaign group that takes up issues such as dowry, wife beating and sexual harassment. Address: 29 Bhatia Bhawan, Babrekar Marg, Gokhle Road (North) Dadar, Mumbai-400028 Email: inforum@inbb.gn.apc.org
4. Men Against Violence and Abuse (MAVA) is an organization of men acting to prevent violence against women and girls. It is working on new models of masculinity through media and the arts. Address: 12-A Parishram Building, Bhandar Line, Lady Jeshedji Rd. Mahim Mubai-400016; Tel: 91-22-4360631; Contact: Mr. Harish Sadani
5. Recovering and Healing from Incest (RAHI) is a Delhi based support and resource center for adult women survivors of incest/childhood sexual abuse. RAHI's mission is to make the issue of incest a public one to help survivors heal. They work towards fulfilling their mission through education, training, communication and support. Address: H49A, 2nd floor, Kalkaji, New Delhi-19; Tel: 91-11-6238466, Email: rahi@vasnl.com; Contact: Ms. Anuja Gupta
6. Sakshi come into existence as a violence intervention center in October 1992. They provide training, research, counseling, credit and education. They seek to make links with women's rights, the law and strategies for change at the local, national and Asian regional level. Address: B-67, First Floor, NDSE, Part I, New Delhi-49, Email: s.sakshi@lycos.com, Tel: 91-11-4643946/4623295, Fax: 91-11-4643946; Contact: Naina Kapoor
7. Jagori is a women's communication resource center that documents audio-visual and printed material on and by women. They create space for issues like violence against women, reproductive rights and AIDS to be voiced from a feminist perspective. Address: C-54 South Extension, Part II, New Delhi-49; Tel: 91-11-6427015/6257015; Fax: 91-11-6253629; Contact: Ms Kalpana Viswanath
8. Asmita Resource Centre for Women provides counseling and legal aid for women in distress. It provides credit and savings for urban women and is involved in awarness raising of women on issue such as rape, domestic violence, health and reproductive health. Address: Teachers Colony, St. 6, East Marredpalli, Secunderabad, Andra Pradesh-26, Email: asmita@hdl.vsnl.net.in; Tel: 91-40-7733251, Fax: 91-40-7733745; Contact: Ms. Volga
9. Adithi works in mobilizing women's groups and advocates against violence against women and children, dowry deaths, infanticide, domestic violence and educational discrimination. Address: 2/30 State Bank Colony II, Bailey Road, Patna-800014, Tel: 91-612-283018; Fax: 91-612-282018 Contact: Ms. Viji Srinivasan
10. Ahmedabad Women's Action Group (AWAG) does awareness raising, counseling and provides training and shelter to women victims of violence. Address: 48 Somnathnagar, Vijaynagar Road, Naranpura, Ahmedabad-380013, Tel: 91-79-7470036; Fax: 91-79-7434122; Contact: Dr. Ila Pathak

11. All-India Democratic Women's Association (AIDWA) works to end violence against women. AIDWA is also committed to women's emancipation focusing on the poorer sections of society. It helps victims of domestic and family violence get justice. Address: 25, Vithal Bhai Patel House, Rafi Marg, New Delhi 110001, Email: brindaka@nda.vsnl.net.in; Tel: 91-11-3710476; Contact: Ms. Brinda Karat
12. Centre for Social Research India runs counseling centers for women in distress and gives guidance for filing police cases. They train women in para-legal cases related to dowry death, torture, rape and domestic violence. Address: Nelson Mandela Marg, Vasant Kunj, New Delhi-70; Tel: 91-11-6863697; Contact: Ms. Ranjana Kumari
13. Mahila Samuh intervenes in crisis situations such as family violence, dowry, rape and gives legal aid; it also mobilizes and organizes women on civil liberties. Address: Above Yadav Shivmandir, Anasagar Ghati Ganj, Ajmer, Rajasthan-305001; Email: martins@vsnl.com; Tel: 91-145-423280; Contact: Ms. Deepa Martins.
14. Maitree is an umbrella organization dealing with raising awareness, social upliftment and violence against women in the work force. Email: mrsrg@cal12.vsnl.net.in; Contact: Ms. Sashwati Ghosh or Ms. Anchita Ghatak
15. Vimochana deals with violence against women. Their range of programmes includes poetry in the park, the Women's Wall, Stree Utsav, community campaign, communal harmony, women in black, Angala; The Women's Courtyard- a shelter for women; Streelekha: the first feminist book place in India; Asian Women's Human Rights Council- jointly initiated in 1986. Address: 2124, IA Cross 16 B Main, Hal II Stage, Bangalore-560038, Karnataka; Tel: 91-80-5278628; Contact: Ms. Donna Fernandes
16. Women's Voice highlights issues and crimes committed against women and the poor. It directs and supports women in their search for legal advice. Address: 47 St Mark's Road, Bangalore-560001, Karnataka; Tel: 91-80-2214478/6630262; Contact: Ms Ruth Manorama
17. Swayam helps victims of domestic violence. Activities include fighting violence against women, providing legal assistance, legal aid, vocational training, employment support, short stay shelter for women, medical aid and child care. Address: 11 Balu Hakkak Lane, Kolkatta-70017, West Bengal; Email: swayam@cal.vsnl.net.in; Tel: 91-33-2803429/2803688; Contact: Ms. Anuradha Kapoor

Appendix -II : Websites related to Violence Against Women and Girls

1. www.jhuccp.org/pr/11ledsum.stm: Ending violence against women population reports, series L, number 11 published by the Population Information Programme, Centre for Communication Programs; The Johns Hopkins School of Public Health is available on line.
2. www.asksam.com/cavnet: CAVNET. The purpose of the CAVNET homepage is to serve as a searchable, authoritative source of information about violence against women, children, persons with disabilities, gays and lesbians, and others.
3. www.hrw.org: Human Rights Watch- Women's rights division contains information about its publications and includes links to relevant internet resources.
4. www.hrw.org/hrw/worldreport99: Human rights Watch provides content-based overviews and specifically addresses VAWG in its World Report.
5. www.asiatica.org: Journal of South Asian Women's Studies –Papers and online web base on issues related to women in South Asia. Often include dowry and rape.
6. www.womenasia.com/iwraw: International Women's Rights Action Watch Asia Pacific (IWRAW-AP) is a collaborative programme to facilitate and monitor the implementation of CEDAW
7. www.unicef.org: UNICEF promotes the equal rights of women and girls guided by the CRC and CEDAW
8. www.unifem.org.in: UNIFEM South Asia homepage has links to UNIFEM resources and various activities currently going on in South Asia for women.
9. www.unfpa.org: UNFPA addresses VAWG and it's consequences particularly in reproductive health.
10. www.un.org/womenwatch/daw/followup/beijing+5.htm: Information on beijing+5 session.
11. www.now.org/issues/violence/index.html: National Organisation for Women (NOW) has a page on NOW and Violence Against Women. Though it specifically deals with America, the issues and the concerns are of common interest.
12. www.jhuccp.org/pr/11ledsum.stm: Ending Violence Against Women Population Reports, Series L, Number 11 published by the Population Information Programme, Centre for Communication Programs, The John Hopkins School for Public Health is available on line.
13. www.genderhealth.org: Centre for Health and Gender Equity (CHANGE) web side contains information about the centre's programme and publications with links to other relevant sites.
14. www.worldbank.org/gender: Gender Net is the World Bank's portal on gender issues.
15. www.sigi.org: Sisterhood is Global Institute has a web page with excellent resource on human rights and violence against women. Includes on extensive bibliography and some statistics on gender-based violence.
16. www.who.ch/frh-whd: World Health Organisation (WHO) webside contains global health facts related to issues such as violence against women, female genital mutilation, and HIV/AIDS. Also includes a database on violence.
17. www.ilo.org: ILO tackles issues related to violence in the workplace including aspects of trafficking and sexual harassment.

18. www.indiafemalefoeticide.org: This site is dedicated to the cause of female foeticide and has a provision for lodging complaints against female foeticide on the site.
19. www.icrw.org: The International Center for Research on Women is a private nonprofit organization founded in 1976 and based in Washington, D.C., with an office in India. ICRW's work has three distinct dimensions - research, technical support for capacity building, advocacy.
20. www.globalhealth.org: The Global Health Council is the world's largest membership alliance dedicated to saving lives by improving health throughout the world.

(Footnotes)

- ¹ Census data, 2001. Registrar and Census Commissioner of India.
- ² Women in India: How Free? How Equal? Kalyani Menon-Sen & AK Shiva Kumar; United Nations (UN); 2001
- ³ *ibid*
- ⁴ Crimes Against Women: Bondage and Beyond: Revelations of Data; Center for Women's Development Studies (CWDS), 2002
- ⁵ Crime in India 1999; NCRB, Ministry of Home Affairs, Government of India
- ⁶ PBEF refers to the practice of detecting the sex of the fetus and terminating the pregnancy if the fetus is found to be a female
- ⁷ A Reference Kit on Violence Against Women and Girls in South Asia; UNICEF; 2001
- ⁸ Domestic Violence in India: A multi-site household survey on domestic violence; ICRW-INCLIN; 2000
- ⁹ NFHS-2, IIPS, 1998-99
- ¹⁰ A multi-site household survey on domestic violence; ICRW-INCLIN; 2000
- ¹¹ Visaria Leela 1999, "Violence against Women in India: Evidence from Rural Gujarat" in "Domestic Violence in India: A summary report of three studies", International Center for Research on Women, Washington, DC; September 1999
- ¹² Male Reproductive Health Survey undertaken in Uttar Pradesh (Evaluation Project 1997)
- ¹³ Gender and Judges: A Judicial Point of View; Sakshi 1996
- ¹⁴ A multi site household survey on domestic violence; ICRW-INCLIN; 2000
- ¹⁵ Responses to domestic violence in Karnataka and Gujarat, V. Poonacha and D. Pandey, WSRC, SNDT 1999
- ¹⁶ Shalish is a traditional method of dispute resolution in West Bengal, involving mediation and arbitration
- ¹⁷ As cited in The Hindu: Online edition of India's National Newspaper; Friday, October 19, 2001
- ¹⁸ Federation of Obstetric and Gynecological Societies of India (FOGSI)- Federation of Gynecology and Obstetrics (FIGO) brochure
- ¹⁹ Sex-Selective Abortion: Evidence from a community-based study in Western India; Bela Ganatra, Siddhi Hirve and V.N. Rao; Asia Pacific Population Journal, June 2001
- ²⁰ Crimes Against Women: Bondage and Beyond: Revelations of Data; Center for Women's Development Studies (CWDS), 2002
- ²¹ Women in India: How Free? How Equal? Kalyani Menon-Sen & AK Shiva Kumar; United Nation (UN); 2001
- ²² Applying a Human Rights Framework to the Provision of Abortion Care and Related Reproductive Health Services in India; Vandana Tripathi, Department of Maternal and Child Health; Carolina Papers in International Health and Development 1998; Vol. 5, No. 1
- ²³ http://www.panos.org.uk/news/September2001/India_census.htm
- ²⁴ Myths and facts – sexual assault; Sakshi, 2001
- ²⁵ Source: www.ifsha.org
(website of a Delhi-based NGO)
- ²⁶ Source: The Times of India, October 25, 2002 and India Today October 9, 2002
- ²⁷ Source: Myths and facts – sexual assault; Sakshi, 2001
- ²⁸ Ending Violence Against Women, Population Reports, Series L, No.11
- ²⁹ Domestic Violence in India: Exploring Strategies, Promoting Dialogue; Men, Masculinity and Domestic Violence in India; A summary Report of four studies; 2000
- ³⁰ Crimes Against Women: Bondage and Beyond: Revelations of Data; Center for Women's Development Studies (CWDS), 2002
- ³¹ Source: National Commission for Women (NCW); 1998
- ³² Gender and Judges – A judicial point of view; Sakshi, 1996
- ³³ Child Sexual Abuse – Beyond fear, secrecy and shame; Sakshi 1994
- ³⁴ Source: National Crime Records Bureau, 1999
- ³⁵ Preliminary report of the workshop series and survey on childhood sexual abuse of girls; Anita Ganesh; Samvada, Bangalore; 1994
- ³⁶ Voices from the Silent Zone; Rahi; 1998
- ³⁷ Source: Myths and facts – sexual assault; Sakshi, 2001
- ³⁸ Ending Violence Against Women, Population Reports, Series L, No.11
- ³⁹ Breaking the Earthenware Jar: Lessons Learnt from South Asia to End Violence Against Women and Girls; Ruth Finney Hayward; UNICEF 2000
- ⁴⁰ A Quote from an Indian Lawyer and activist

³⁸ Manchanda, R. 1994; "Shame!" The Hindustan Times (New Delhi), 21 August

³⁹ Violence Against Women and Girls in India; Kirti Singh; 1998

⁴⁰ Initial Alternative NGO Report on CEDAW (India), January 2000; Co-ordinated by The National Alliance of Women (NAWO)

⁴¹ Source: World Bank 1993

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⁴⁴ As cited in Domestic Violence in India: A summary report of a multi-site household survey, ICRW; May 2000

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⁴⁶ Justice, Change, and Human rights: International Research and Responses to Domestic Violence; Barbara Burton, Nata Duvvury, Nisha Varia; ICRW

⁴⁷ <http://www.ageofconsent.com/comments/childmarriages.htm>

⁴⁸ The Indecent Representation Of Women (Prohibition) Act, 1986 (No. 60 Of 1986)

⁴⁹ Recommendations compiled from various national and international reports on violence against women such as ICRW, Population Report, Amnesty International Report.

Prepared by International Center for Research on Women (ICRW) for UNFPA India

55, Lodi Estate, New Delhi-110 003, India

Phone : 24628877 Fax : 24628078

E-mail : india@unfpa.org.in Website : www.unfpa.org.in